

**CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION  
THREE HUNDRED AND FOURTH MEETING**

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station  
Area, Park Headquarters, South Wellfleet, Massachusetts, on  
Monday, September 19, 2016, commencing at 1:05 p.m.

**SITTING:**

Richard Delaney, Chairman  
Larry Spaulding  
Don Nuendel  
Lilli Green  
Joseph Craig  
Sheila Lyons (partial)  
Mary-Jo Avellar  
Mark Robinson  
Maureen Burgess

Nat Goddard, alternate  
Kathleen Bacon, alternate

**Also present:**

George Price, Superintendent  
Kathy Tevyaw, Deputy Superintendent  
Lauren McKean, Park Planner  
Sue Moynihan, Chief of Interpretation & Cultural Resources  
Nita Tallent, Chief of Natural Resources & Science  
Bill Burke, Park Historian  
Courtney Butler, Centennial Volunteer Ambassador  
Russell Braun, Truro Building Commissioner  
Attorney Donald Nagle, attorney for Adventure Bound Camping  
Resorts/Horton's Campground

Audience members

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# I N D E X

	<u>Page</u>
Adoption of Agenda . . . . .	3
Approval of Minutes of Previous Meeting (June 6, 2016). . . . .	3
Reports of Officers. . . . .	4
Reports of Subcommittees . . . . .	10
Update of Pilgrim Nuclear Plant Emergency Planning.	10
Nickerson Conservation Fellowship . . . . .	24
Superintendent's Report. . . . .	28
Update on Horton's Campground Private Commercial Properties Related to their CSCs . . . . .	29
Cape Cod Modern Houses and the National Seashore - Bill Burke, Park Historian . . . . .	70
Shorebird Management Plan/Environmental Assessment Update . . . . .	82
Seashore Projects . . . . .	82
National Park Service Centennial . . . . .	82
Nauset Light Beach Update . . . . .	83
Highlands Center Update . . . . .	85
Herring River Wetland Restoration . . . . .	89
Old Business . . . . .	92
Live Lightly Campaign Progress Report . . . . .	92
New Business . . . . .	97
Date and Agenda for Next Meeting . . . . .	100
Public Comment . . . . .	106
Adjournment. . . . .	119
Reporter's Certificate . . . . .	120

**P R O C E E D I N G S**

MR. DELANEY: Good afternoon, everyone. What day is it? We wanted the rain but not all at once.

Here we are. And I'm very honored to call to order the 304th meeting of the Cape Cod National Seashore Advisory Commission.

**ADOPTION OF AGENDA**

MR. DELANEY: You have an agenda sent out in advance. Unless there's a proposed change to the agenda, I'll entertain a motion to adopt it as printed.

MS. AVELLAR: So moved.

MR. NUENDEL: Second.

MS. GREEN: Second.

MR. DELANEY: All those in favor?

BOARD MEMBERS: Aye.

**APPROVAL OF MINUTES OF PREVIOUS MEETING (JUNE 6, 2016)**

MR. DELANEY: You also have the minutes sent out in advance. And as always, I look to our scribe from -- our representative from Eastham to take the first whack at it.

MR. NUENDEL: Okay. I'm always impressed when I start reading these things. The number of topics that we talk about is just amazing. We work hard. I'm not bragging, but it's a fact.

1 I read these, and I read them pretty carefully. I  
2 recommend that we accept the minutes.

3 MS. BURGESS: Second.

4 MR. DELANEY: Anyone else with a comment, edit, or  
5 change?

6 (No response.)

7 MR. DELANEY: Okay, all those who are in favor of  
8 adopting the minutes as written, signify by saying aye.

9 BOARD MEMBERS: Aye.

10 MR. DELANEY: Those opposed?

11 (No response.)

12 MR. DELANEY: Motion carries.

13 Thank you very much to our excellent transcriber.

14 **REPORTS OF OFFICERS**

15 MR. DELANEY: Now we'll move to *Reports of*  
16 *Officers.*

17 And I don't have any particular report other than I  
18 will just say that I had a chance to spend the last --  
19 three days last week in Washington with Secretary of  
20 State John Kerry and about 60 or 70 other ministers of  
21 state or secretaries of state of foreign affairs who  
22 came together to announce commitments to the ocean. And  
23 the total number of square miles that was put into  
24 sanctuary status or some level of protection by those

1 countries was about 1.5 million square miles of ocean  
2 protected. President Obama came to make our announced  
3 -- the United States commitment, which was to designate  
4 some of the canyons and the coral, the seamounts and the  
5 canyons off of Stellwagen, off of Georges Bank for about  
6 5,000 square miles.

7 It was kind of fun to see the perspective where  
8 back here the newspapers were making this huge deal  
9 about 5,000 square miles. Oh, my God. You know, what's  
10 going to happen to the fishermen? Meanwhile, other  
11 nations around the world were putting aside 1.5 million  
12 square miles. So it was kind of exciting. And there's  
13 other -- there were about \$5 billion worth of other  
14 commitments to do management, research, education, and  
15 work around marine pollution, including plastics and  
16 overfishing and illegal fishing of the high seas.

17 And I bring that all to our attention not only  
18 because it's very exciting where we deal with oceans  
19 here at the Park, but because of the status of this --  
20 our area, which is now the National Marine Monument.  
21 The Department of Interior will be very much involved in  
22 managing that, so it's maybe like our offshore Cape Cod  
23 National Seashore in a way, I guess.

24 Mary-Jo?

1 MS. AVELLAR: I have a question. I went on a whale  
2 watch this week, and they kept referring and some of the  
3 signs I noticed down at MacMillan Pier kept calling it  
4 the Stellwagen Bank National Sanctuary. Isn't it the  
5 Gerry E. Studds Stellwagen Bank National Marine  
6 Sanctuary?

7 MR. DELANEY: Yeah.

8 MS. AVELLAR: I don't see Gerry Studds' name on a  
9 lot of the signage that I saw down on MacMillan Pier,  
10 and I'm kind of concerned about that because he deserves  
11 to have his name everywhere we can find it.

12 MR. DELANEY: I agree with you, and you're speaking  
13 to the right person. I chaired that advisory committee  
14 as well, and we meet just next week, and I'll raise that  
15 issue with the staff.

16 MS. AVELLAR: Yeah, the Dolphin Fleet told me that  
17 it's in the brochures or something that they hand out,  
18 but I didn't get a brochure.

19 MR. DELANEY: His name is being lost, and his  
20 contribution should continue to be recognized.

21 MS. AVELLAR: Exactly. That's what I was concerned  
22 about.

23 MR. DELANEY: Good, all right.

24 Yes, Maureen?

1 MS. BURGESS: Mr. Chairman, I have a question about  
2 the designation of that monument.

3 So a president can designate a monument. Can a  
4 succeeding president remove a monument?

5 MR. PRICE: I think that's an interesting question.  
6 I'm, frankly, not sure if they can remove a monument,  
7 but in the past the contention has been between the  
8 President naming a monument and the Congress funding it.  
9 That's usually where the rub is, but presidents have  
10 been naming monuments for a long time. That was Teddy  
11 Roosevelt's big claim to fame. He named some of the  
12 monuments national monuments. President Bush named the  
13 (inaudible), a marine monument off of Hawaii, before he  
14 departed office. So that's the executive authority over  
15 the historic -- I forget which act.

16 MR. DELANEY: Antiquities Act.

17 MR. PRICE: Antiquities Act. You're right, that  
18 allows that to happen.

19 So I'm not sure if it's as politic as just the next  
20 president can deauthorize it or not.

21 MR. DELANEY: I don't believe so. Executive orders  
22 can be undone pretty easily by the succeeding executor.

23 MR. PRICE: Yeah.

24 MR. DELANEY: This is an act under -- authorized by

1 law. So it would be harder.

2 MR. PRICE: There have been National Park  
3 designated sites deactivated or deauthorized, but it's a  
4 big process. I'm thinking of Michigan, Mackinac, for  
5 instance, but it's a big process.

6 And, Mary-Jo, just so that you know, a lot of areas  
7 end up having other names attached to them. So the  
8 Blackstone Valley now has Chaffee's name and Marsh-  
9 Billings is now Marsh-Billings-Rockefeller. And a lot  
10 of times it's an acquaintance-type thing with the name  
11 as far as what the original name is. (Inaudible) the  
12 addition institutionalized is what we're seeing right  
13 now.

14 MR. DELANEY: And just before I go on to the  
15 reports from subcommittees, Mary-Jo, coming back to you,  
16 if I may mention one of our heroes in the past who's  
17 been very active with our issues in the Cape Cod  
18 National Seashore, Gerry Studds, but also, as you know  
19 well, we also lost Josephine Del Deo, who was equally  
20 important in our lives. You've known her a long time.  
21 Would you want to offer a couple of thoughts or comments  
22 about Josephine?

23 MS. AVELLAR: I've known Josephine since I was  
24 about six years old when Ciro & Sal's was starting a



1 restaurant because I lived right across the street.  
2 It's now called Poor Richard's Landing, but in those  
3 days it was Avellar's Wharf. And our bedrooms -- my  
4 bedroom was right on the street. And I don't think the  
5 place was licensed then. I mentioned it in the -- I  
6 gave the eulogy actually at the service. And it was  
7 kind of a loud -- it was a late-night kind of place,  
8 which drove my father crazy because he was a light  
9 sleeper. But I just remember Josephine, of course, as  
10 being one of the preeminent people in Provincetown to  
11 push for the creation of the Park. And I was -- I guess  
12 it was 1960, so when was it? 1960.

13 MR. PRICE: '61.

14 MS. AVELLAR: So I was like still in high school.  
15 I don't remember a lot. My parents I'm quite sure were  
16 very involved because my mother and Josephine were very  
17 close.

18 What I always liked about Jo was that not only was  
19 she instrumental in the creation of the Seashore, but  
20 she wasn't afraid to take the Seashore on when they  
21 tried to get rid of the dune shacks. And we have her to  
22 thank that we still have those dune shacks. So her  
23 contribution to not only Provincetown and the historic  
24 district and that sort of thing, but her impact is

1 nationwide really. And she never stopped pushing for  
2 what she felt was in the best interest of not only  
3 Provincetown but the Park as well.

4 Hers is a voice that I'm going to be missing for  
5 many, many years to come.

6 MR. DELANEY: Thank you. We all agree. That was a  
7 special person.

8 Maureen?

9 MS. BURGESS: If I could, I just wanted also -- I  
10 attended the service, and I just wanted to say that our  
11 superintendent made some very nice remarks at her  
12 service, at her burial also and gave her a lot of  
13 credit, and I think his remarks were very much  
14 appreciated by the family.

15 MR. DELANEY: Thank you, George.

16 Okay, so moving on to *Reports of Subcommittees*.

17 **REPORTS OF SUBCOMMITTEES**

18 MR. DELANEY: And the first one will be an update  
19 of our Pilgrim Nuclear Plant Emergency Planning  
20 Subcommittee.

21 Maureen, please.

22 **UPDATE OF PILGRIM NUCLEAR PLANT**

23 **EMERGENCY PLANNING SUBCOMMITTEE**

24 MS. BURGESS: Thank you, Mr. Chairman. So I will

1       give the commissioners an update.  Largely this  
2       information I've garnered from newspaper sources, and if  
3       I could ask the reporter to begin with the fact that  
4       Burgess sighed.

5               (Laughter.)

6               MS. BURGESS:  So one good bit of news.  At the end  
7       of the legislative session in late July, House and  
8       Senate negotiators approved a state energy bill that  
9       establishes a panel which will be involved in the  
10      decommissioning of the Pilgrim Nuclear Power Station,  
11      which, as you know, is now planned to be shut down in  
12      2019.  So while the overall reaction to the  
13      establishment of the panel to deal with Entergy  
14      Corporation, Pilgrim's owner, was positive, not everyone  
15      was satisfied with the list of members who may be on the  
16      panel; that is, the decommissioning panel, the oversight  
17      panel.  And the bill now awaits Governor Charlie Baker's  
18      signature.

19              Our representative, Sarah Peake, was very  
20      instrumental in keeping the proposal alive in the House  
21      while in the Senate her counterparts, Dan Wolf and Vinny  
22      deMacedo --

23              MR. DELANEY:  deMacedo.

24              MS. BURGESS:  -- deMacedo of Plymouth kept it alive

1 in the Senate.

2 Peake thought it was a big win for the people of  
3 Massachusetts because the committee, to quote her, will  
4 make sure that public safety concerns are addressed and  
5 financial concerns are addressed. And issues like air  
6 monitoring and emergency planning will also be addressed  
7 by the committee. And you may remember the various  
8 bills that Representative Peake had put forward in the  
9 House, which we always supported with letters from the  
10 Commission, and it sounds like those issues have been  
11 incorporated into what the panel will be addressing.

12 So in terms of the composition of the council, the  
13 council will include members from state and local  
14 government, science and health experts, appointed  
15 citizens, Entergy representative, and a present or  
16 former employee of the Pilgrim plant. The committee's  
17 composition in the original version of the bill also  
18 included citizen members who live within the 10-mile  
19 emergency planning zone around the plant as well as  
20 representation from Barnstable County. However, those  
21 members were not included in the final version which was  
22 approved by the House and the Senate. And Senator Wolf  
23 was quite disappointed because, to quote him, "It gives  
24 Cape Cod less of a voice and the corporation more of a

1 voice. It also gives less of a voice to the citizens of  
2 the Commonwealth because the Attorney General is not on  
3 it." And he was very perplexed to see why the  
4 composition was changed because he felt so much thought  
5 had gone on to it.

6 As you know, Vermont Yankee, which has been shut  
7 down through the efforts of citizens and also their  
8 governor, has been placed in SAFSTOR, which is the  
9 federally approved option that they do have to mothball  
10 it for up to 60 years, and that's what we're hoping  
11 would not happen with Pilgrim because we want to see a  
12 funding and make sure that the money exists to  
13 decommission properly and so that it does not fall on  
14 the citizens, taxpayers.

15 So we had a number of violations, unfortunately.  
16 That's why I mentioned sighing. Once again, in August  
17 16, *Cape Cod Times* reported that a stretch of hot  
18 weather has, again, affected operations at Pilgrim  
19 Nuclear Power Station, making this the third summer out  
20 of the last four that the plant has been forced by  
21 excessive water temperatures in the bay to power down.  
22 The temperatures of the Cape Cod Bay seawater are used  
23 to cool the reactor and the turbines, and they were  
24 exceeding the maximum allowable federal standards.

1           As you know, Pilgrim draws over 500 million gallons  
2 of water into the bay every day killing multiple fish  
3 and sea life and shellfish. And though the cap is  
4 currently at 75 degrees, but when it goes into the bay,  
5 it comes back 30 degrees higher. And you recall that at  
6 our spring meeting we talked about the outdated EPA  
7 water discharge permit and the EPA after 20 years I  
8 believe of neglect was finally relooking at the permit,  
9 and many of the groups like Cape Cod Baywatch are  
10 concerned that it doesn't go far enough to remediate  
11 this very hot water that's being put back into the bay.

12           Also in August, Pilgrim was shut down for four days  
13 due to a malfunctioning steam isolation valve which is  
14 designed to prevent radioactivity from leaking into the  
15 environment during a nuclear accident. That same valve  
16 had caused a shutdown in August of 2015. On September  
17 6, *The Globe* reported that Pilgrim was shut down because  
18 of a mechanical issue, the second issue in recent weeks.  
19 And then on the 13th, *The Globe* reported that Pilgrim  
20 power plant is not aging gracefully and that it's a  
21 reason to worry because, once again, it had shut down.  
22 Operators pulled the switch after detecting unexpected  
23 fluctuations in water levels.

24           Christine Legere, who's been on this for the Cape

1       *Cod Times* and has done such good coverage, described the  
2       fact that Pilgrim was slowly powering up on that Tuesday  
3       and reached nine percent of its capacity when yet  
4       another mechanical malfunction forced operators to shut  
5       the reactor back down, marking the eighth day the plant  
6       has been offline. Operators shut down the plant, as we  
7       said, on the 6th because of a faulty regulator valve.  
8       Also, a concern was that while the plant was still in  
9       shutdown mode there was a leak of 2,680 cubic feet of  
10      hydrogen gas in the turbine room which then went into  
11      the atmosphere forcing plant operators to file reports  
12      with state and federal regulators. However, the local  
13      fire chief, Ed Bradley, in Plymouth, to quote him, said,  
14      "Entergy Corporation, which owns and operates the  
15      Pilgrim Station Nuclear Power Plant, not only didn't  
16      notify the fire department of a hydrogen release at the  
17      plant as is required to do, but the company then filed a  
18      false report on the matter. Entergy reported to the  
19      Nuclear Regulatory Commission on the 9th of September  
20      --" -- I'll just repeat the quote: "At 17:39 Eastern  
21      Daylight Time on Friday, September 9, 2016, the  
22      Massachusetts Department of Environmental Protection and  
23      the Plymouth, Massachusetts, Fire Department were  
24      notified of a hydrogen release in accordance with plant

1 procedures as outlined in the Code of Massachusetts  
2 Regulations," and there's a number for that. But  
3 Bradley said this is false. Not only was his department  
4 not notified of the event on Friday, September 9, as the  
5 report states, he only learned of the incident when a  
6 reporter from the *Cape Cod Times* contacted him on  
7 Monday, September 12, three days later. Bradley had to  
8 actually call Entergy to find out what was going on.

9 Now, many activists are very up in arms about this  
10 and consider this a public safety crisis, and there's  
11 been a great deal of criticism of Governor Baker for not  
12 calling for an immediate shutdown. Recently there was a  
13 sit-in at the State House. And you remember Diane Turco  
14 from the Cape Downwinders who addressed us at a former  
15 meeting. She and two other Cape Downwinders engaged in  
16 a sit-in and refused to leave until they could meet with  
17 Baker, but they were arrested, and now they have been  
18 banned from the State House where they had previously  
19 been permitted to lobby with legislators for the closing  
20 of this degraded plant.

21 Last Tuesday you may have seen there was a major  
22 call in to Governor Baker asking him to act to protect  
23 public safety. He has been mostly silent on the issue,  
24 finally issued a statement saying that the federal



1 government was handling this through the NRC. I have  
2 Governor Baker's number. I can give it to you after the  
3 meeting if you'd like to add your concerns as  
4 individuals. And next Wednesday, the, as they are  
5 called -- the Pilgrim State House 3 will be back in  
6 Superior Court to appeal their stay away order.

7 So it wasn't a good summer, and it's just getting  
8 worse.

9 MR. DELANEY: No, no. Wow, thank you for the  
10 discouraging news. It does continue to get worse. It's  
11 just a nonstop series of malfunctions and mismanagement  
12 and maybe even misinformation.

13 MS. BURGESS: Yes.

14 MR. DELANEY: How much is it going to take to  
15 finally have a major accident happen?

16 MR. NUENDEL: (Inaudible) happening, it might be a  
17 bad major.

18 MR. DELANEY: Yeah, it may be that --

19 MR. NUENDEL: Our governor should be on this like  
20 white on rice. He really should.

21 MS. AVELLAR: It's almost criminal really and  
22 borders on malfeasance in my opinion.

23 MS. BURGESS: So I don't know that there's anything  
24 more we can do. We certainly added our letters to

1 proposals. Unless, Mr. Chairman, you have a suggestion.

2 MR. DELANEY: Well, can any members think of some  
3 concrete action, as Maureen just said? We've written a  
4 number of letters. They've been well received by our  
5 colleagues, who noticed, made an impact.

6 MS. AVELLAR: Maybe we have to have our towns, each  
7 town write to the Governor. I will be reporting to the  
8 board of selectmen, and I'm going to recommend that they  
9 write a letter telling them that it's not enough to rely  
10 on the Nuclear Regulatory Commission -- because they've  
11 been negligent for how long now? -- and that the health  
12 and welfare of the citizens of Massachusetts, especially  
13 this part of the world, are at stake.

14 MS. BURGESS: That's something that sounds good to  
15 do. I can do that with my town.

16 MR. DELANEY: Yeah, let's -- thank you, Mary-Jo.  
17 There's been a lot of letter writing, but I realize the  
18 towns haven't actually weighed in.

19 MS. BURGESS: No, not much.

20 MR. DELANEY: Lilli?

21 MS. GREEN: Thank you.

22 I agree to do that. And perhaps if we were to  
23 write a letter to Governor Baker stating what we just  
24 stated and then we could bring that to our towns, it

1           might be helpful.

2           MR. DELANEY:   Okay.   Larry?

3           MR. SPAULDING:   Isn't the last thing that we did is  
4           to support Wolf's bill?

5           MS. AVELLAR:   Yes.

6           MR. SPAULDING:   So we haven't done anything since  
7           this fiasco in four or five months.

8           MS. BURGESS:   That's correct.

9           MR. SPAULDING:   It seems to me it might be  
10          appropriate for the Commission to write Governor Baker a  
11          letter to revisit the situation because of the more  
12          recent problems and for the state to get involved.

13          MR. DELANEY:   Okay, now that I think about it.

14          Yeah, Don?

15          MR. NUENDEL:   Maybe we should consider reminding  
16          the Governor.   Remember when we had that doctoral  
17          student?

18          MS. BURGESS:   Yes.

19          MR. NUENDEL:   And he used a different technique.  
20          It wasn't disaster.   It was more economic disaster.   And  
21          remind the Governor how much money does the state get  
22          from Cape Cod because of Cape Cod's activity and tourism  
23          and all that.   And remind him that, you know, if they  
24          make a mistake and we're the Downwinders and this place

1 becomes uninhabitable for many years, do you want to  
2 take that chance?

3 MR. DELANEY: Yeah, yeah. I think -- I like all  
4 these comments.

5 MR. SPAULDING: Also, I assume that Governor Baker  
6 has never seen that analysis that we had done.

7 MS. BURGESS: We could include the economic impact  
8 statement with the letter. We could do a letter.

9 MR. DELANEY: Okay, so could -- Maureen, this goes  
10 back to you. Could you take a first cut at this?

11 MS. BURGESS: Sure.

12 MR. DELANEY: Then we'll get a letter that states  
13 or reiterates our serious -- our long-term concern,  
14 points out that it is -- and I think the theme is an  
15 economic disaster as well because that's what might ring  
16 with this administration.

17 Don?

18 MR. NUENDEL: I might have something I could e-mail  
19 you. Several years ago when this was, you know, up in  
20 the news, I wrote a letter to the *Cape Cod Times*, and  
21 basically I explained about what the Seashore did with  
22 this doctoral student, and I gave the website where you  
23 can go and read it. I'll e-mail you that letter. You  
24 might be able to use some of that information.

1 MS. BURGESS: Fine.

2 MR. NUENDEL: So you don't have to reinvent the  
3 wheel.

4 MS. BURGESS: Of course, I have the study, and the  
5 study is on the Cape Cod National Seashore website under  
6 the Advisory Commission.

7 MR. NUENDEL: Yeah, right.

8 MR. DELANEY: So two actions. You'll draft a  
9 letter, but then we would ask, going back to Mary-Jo's  
10 initial comment, that each of us take it to our home  
11 boards of selectmen and see if they would be willing to  
12 follow suit and voice their individual town objections  
13 or concerns similar to or based on our letter.

14 Okay, Larry?

15 MR. SPAULDING: The only issue I have is somehow I  
16 think as a commission, if it's going to be from the  
17 Commission, we've got to see it before it goes out.

18 MR. DELANEY: Yes, okay, we can do that.

19 MR. SPAULDING: However you do it, whether you send  
20 it around and we have a certain time to respond or we  
21 take it up at our next meeting.

22 MS. BURGESS: Sure.

23 MR. SPAULDING: Not that you won't write a fine  
24 letter because you've been working hard, but I just

1 think if it comes from the Commission, we need to see  
2 it.

3 MR. DELANEY: Oh, I think we'd be happy to have --

4 MS. BURGESS: Oh, absolutely.

5 MR. DELANEY: -- everyone react to it. It only  
6 would strengthen it with these kinds of ideas.

7 MR. SPAULDING: I just thought we ought to be sure  
8 that we do that, not just send the letter.

9 MR. DELANEY: A couple of past letters we expedited  
10 just between us because of the timing. At least there's  
11 no deadline on this. The sooner the better, but let's  
12 -- so we'll draft -- Maureen will draft a letter. We'll  
13 circulate it. We'll have the themes and the points that  
14 we just articulated. Secondly, we would ask of our  
15 committee to go back to our towns and report back at  
16 least what we're doing and suggest maybe the town would  
17 like to follow suit. And that's it.

18 George?

19 MR. PRICE: I think the towns weighing in is a  
20 great idea. Without Sheila here, though, I wonder if  
21 the county -- county commissioners have ever done a  
22 similar letter.

23 MR. DELANEY: Yeah, well, Sheila's on her way. She  
24 sent me a note she got delayed coming out of Boston. So

1 we can make sure -- we can revisit this when she's here.  
2 She thought she'd be here by 2 o'clock.

3 MS. GREEN: Rich, I am now a member of the Assembly  
4 of Delegates, which is their legislative branch, and I  
5 can certainly bring this before the assembly.

6 MR. DELANEY: Thank you. Very good. Very good.

7 MS. AVELLAR: I'll tell you what else really burns  
8 me, is people getting arrested for sitting in at the  
9 State House. I mean, that's awful.

10 MS. BURGESS: That was a first.

11 MS. AVELLAR: That's awful.

12 MR. DELANEY: We have a big agenda, so we should  
13 keep moving, but at this point I will -- I think it  
14 would be worth a vote at this point that we authorize  
15 our subcommittee chair, Maureen, to draft such a letter  
16 and to commit us to taking it back to our towns to see  
17 if we can get them to follow suit.

18 MS. GREEN: Second.

19 MR. DELANEY: Second. Any more discussion?

20 (No response.)

21 MR. DELANEY: All those in favor, signify by saying  
22 aye.

23 BOARD MEMBERS: Aye.

24 MR. DELANEY: Those opposed?

1 (No response.)

2 MR. DELANEY: It's unanimous. Thank you.

3 MS. BURGESS: Thank you.

4 NICKERSON FELLOWSHIP

5 MR. DELANEY: Okay, moving to your second  
6 subcommittee, the Nickerson Fellowship.

7 MS. BURGESS: Yes, I'll try to be brief, Mr.  
8 Chairman, but I was going to spend a little more time on  
9 it because we've had some developments.

10 So for the new folks, just by way of intro, the  
11 Joshua A. Nickerson Conservation Fellowship is offered  
12 in partnership by the Cape Cod National Seashore  
13 Advisory Commission, the Atlantic Research and Learning  
14 Center, the Cape Cod National Seashore, and the Friends  
15 of the Cape Cod National Seashore. And it has provided  
16 support to qualified individuals in the form of  
17 financial fellowships since 1992. At least one  
18 fellowship is awarded each year to individuals whose  
19 work will contribute to our knowledge of the natural and  
20 cultural resources within the Cape Cod National Seashore  
21 and at the local communities in which they are found.

22 You may recall that I reported in the spring that  
23 the committee, the Nickerson Fellowship -- Nickerson  
24 Conservation Fellowship Committee awarded two



1        fellowships, the larger one to Owen Nichols from the  
2        Center for Coastal Studies to examine horseshoe crab and  
3        larval -- and shellfish larval flux in East Harbor. The  
4        smaller award went to Derrick Alcott to continue his  
5        studies of predator-prey interactions at manmade  
6        obstacles, i.e. culverts, in the Herring River which  
7        deplete the number of herring successfully reaching the  
8        spawning pond.

9                So this year the committee thought that since Owen  
10       was required as part of his fellowship to do a  
11       presentation at the August 25 science symposium, that  
12       perhaps we should get Owen to speak a little bit about  
13       how the fellowship aided his research. And so Owen gave  
14       a great presentation, including his descriptions of the  
15       difficulties he encountered that he didn't expect in  
16       conducting his study, and then he gave a little pitch  
17       for the Nickerson Conservation Fellowship, and that was  
18       followed by Bruce Hurter from the Friends of the Cape  
19       Cod National Seashore doing a brief fundraising pitch  
20       and telling the audience that he would have a table set  
21       up outside should anyone wish to contribute. So I  
22       suggested that Bruce grab a basket and put it on the  
23       table, and one woman immediately plunked down \$200 into  
24       the basket. And on that day during the break in the

1       symposium, he made \$300.

2               So in researching the fellowship for the symposium  
3       and borrowing the book from Rich, I discovered that it  
4       began with Charles Foster, a former Advisory Commission  
5       chair, offering the royalties from his 1985 book, which  
6       is unfortunately no longer in print, called *The Cape Cod*  
7       *National Seashore - A Landmark Alliance*. He wished to  
8       honor Joshua A. Nickerson, also a member of the first  
9       commission in 1962 representing Barnstable County. Hank  
10      Foster, as he preferred to be called, raised funds from  
11      his friends to receive a matching grant, which I didn't  
12      know, from the Kelley Foundation, which I then found out  
13      is still in existence. And that gave me the idea that  
14      maybe we should be seeking more grants for the Nickerson  
15      Committee.

16             So now our fellowship committee has sort of a new  
17      spark of enthusiasm. And one of the donors at the  
18      science event, the science symposium who donated  
19      actually is a science grant writer. So the group plans  
20      to meet this fall to pursue some fundraising ideas as  
21      well as other means of reaching out to potential  
22      fellows. And I just wanted to give a shout-out and  
23      thanks to Chris Green and Dr. Sophia Fox for their help  
24      with the Nickerson and also for putting together a

1 really boffo science symposium on August 25. It was  
2 really good.

3 MR. DELANEY: Good. Thank you very much.

4 MS. BURGESS: Now I'll shut up.

5 MR. DELANEY: Very good.

6 Superintendent?

7 MR. PRICE: Mr. Chair, I'm not sure, Maureen, if  
8 you heard, but we also let the Friends know that we are  
9 working with Eastern National. We're going to allocate  
10 \$3,000 from the Eastern National donation account  
11 towards the Nickerson donation project.

12 MS. BURGESS: No, no, that's great.

13 MR. DELANEY: Very good.

14 MR. PRICE: We're going to try to get an additional  
15 student.

16 MS. BURGESS: Excellent. That's great.

17 MR. DELANEY: So there is some momentum.

18 MS. BURGESS: There's some momentum. Resurrected.

19 MR. DELANEY: Good news.

20 Okay, Mr. Superintendent, you have a long agenda  
21 here.

22 MR. PRICE: Yes.

23 MR. DELANEY: And I know you have some  
24 presentations, and I'm sure some people from the

1 audience will want to comment at an appropriate time. I  
2 will remind everybody that we do have an official public  
3 comment period at the end of the meeting where the  
4 public can raise any issues, can comment back on things  
5 that we've talked about during the course of this  
6 agenda, but I'll turn the floor over to you at this  
7 point.

8 MR. PRICE: Sure.

9 **SUPERINTENDENT'S REPORT**

10 MR. PRICE: And before I begin, I just wanted to go  
11 around and introduce some of the staff that we have  
12 here. Many of you are familiar with Lauren McKean and  
13 Courtney Butler who help with our Commission meetings.  
14 Today we also have special guest Bill Burke, who'll be  
15 returning a bit later, and Kathy Tevyaw, our deputy  
16 superintendent, but I did want to make special note of  
17 the first appearance here. Dr. Nita Tallent is our new  
18 chief of natural resources and science, and she's been  
19 here a couple of months. She basically came in I think  
20 right before or right around our previous spring  
21 meeting. So you'll be hearing from her and more from  
22 her staff as we move along with different presentations,  
23 so I just wanted to acknowledge her and let you know who  
24 she was.

1                    UPDATE ON HORTON'S CAMPGROUND

2                    PRIVATE COMMERCIAL PROPERTIES RELATED TO THEIR CSCs

3                    MR. PRICE: The first topic on my report is about  
4                    an update on Horton's Campground, and this has to do  
5                    with our responsibility of commercial certificates of  
6                    suspension from condemnation.

7                    As you recall, in the spring there was a lot of  
8                    dialogue and discussion on the landscaping that was  
9                    done by the campground. You will recall that we  
10                  revisited the fact that over the last several years  
11                  the new campground owners came to the Commission and  
12                  to the Park with this concept of coming up with a new  
13                  septic system that was actually going to join the two  
14                  campgrounds that the new owners now had responsibility  
15                  for. Philosophically we thought that was a really good  
16                  idea, and there was a lot of, I thought, positive  
17                  feelings towards that, and including when I was asked by  
18                  the town and others did we realize all the work that was  
19                  going to happen on the road and that sort of thing, we  
20                  thought that there was a lot of good things happening.  
21                  Once we actually saw the landscaping start to take place  
22                  on the property, from our perspective we assumed that  
23                  they were checking with the town and that everybody was  
24                  on board, although I did remind you all that previous

1 communication with the owners was once they were  
2 actually going to begin the work, but we did want them  
3 to close the loop with us so that we were on board with  
4 what was happening. That communication hadn't happened,  
5 but we still thought that we solved the connection  
6 there.

7 As we said at the last meeting, we found that that  
8 connection was not forthcoming with the town. So since  
9 that time we met with the owner representatives. We've  
10 had some dialogue back and forth. We had some requests  
11 and specifically talked to them about this meeting and  
12 about one more meeting before the calendar year is up.  
13 So just to remind you all, basically they are on an  
14 extension of their CSC that this body granted a while  
15 ago. It ends this calendar year, which kind of brings  
16 up the timeline of needing to try and get all on the  
17 same page.

18 I received a package and a letter to you all  
19 basically in response to the letter that Rich wrote in  
20 the spring after our deliberations. That was sent to  
21 their attorney. I also then wrote a letter to the  
22 attorney trying to place the context of what this plan  
23 was about and what he thought was happening. It's my  
24 understanding that since my conversation with the

1 attorney and with the town officials, that they had a  
2 follow-up conversation on Thursday. I'm not fully up on  
3 what that meeting was. I know Lauren participated. We  
4 just haven't had a chance to speak. So we specifically  
5 invited their attorney, Don Nagle, to address this group  
6 today.

7 I think before I make any more comments I would  
8 like to introduce you again to Attorney Don Nagle, and  
9 if you'd like to address our group, here's the Advisory  
10 Commission.

11 MR. NAGLE: Thank you, George.

12 MR. DELANEY: Welcome. You've heard the  
13 introductions to these people, so you know that we  
14 represent all the various towns and the county and the  
15 Governor, and I represent the Secretary of the  
16 Department of Interior. So that's some background on  
17 us. And we appreciate you coming, and we'd ask you to  
18 be succinct and make two or three comments to help us  
19 think about this issue a little bit more clearly.

20 MR. NAGLE: Right. Thank you.

21 Good afternoon. Good soggy afternoon,  
22 Commissioners. Thank you for allowing me time on the  
23 agenda to address you. My name is Donald Nagle, and I  
24 represent Adventure Bound Campgrounds, the owner of

1 Horton's Campground. And what I've been asked to do is  
2 to give you an update on what activities Horton's has  
3 been doing to address compliance with local zoning  
4 requirements that were raised by the onset of the  
5 installation of components of the wastewater treatment  
6 plant that Superintendent Price had alluded to.

7 Just a quick background on that and reminder from  
8 previous reports to this -- to this commission that ABC,  
9 my client, owns only two campgrounds in Truro, the North  
10 Truro Camping Area and Horton's Campground. In  
11 accordance with Mass. Department of Environmental  
12 Protection requirements, we engaged in discussions with  
13 the DEP for installation of a treatment plant that  
14 really covers both parks, and we worked with the county  
15 to get an easement down Highland Road and South Highland  
16 Road for a pipe to connect the two parks. So where the  
17 controversy came up was when we began installing  
18 components of the treatment plant. Clearly there was a  
19 misstep in failing to adequately communicate with the  
20 Seashore, with this body, and with the town as to what  
21 exactly we were doing to install the plant, what was  
22 entailed in doing so, and how we were going to do it,  
23 and how it complies or not with local zoning. So  
24 certainly -- so what happened as a result of the work



1       that was done that's depicted on the easel over there  
2       was a stop work order from the zoning enforcement  
3       officer in the Town of Truro, and that enforcement order  
4       basically says comply with our local zoning bylaws for  
5       this work. We recognize that this is work we need to  
6       do, but comply with our local zoning bylaws by  
7       submitting a site plan review application and to apply  
8       for any necessary special permits that would be required  
9       by the planning board as a result of the review of the  
10      site plan review application.

11             So there are two major components, as I view it, to  
12      the site plan review application. The zoning bylaws are  
13      extensive and very detailed as to what's required, but  
14      obviously you can see the amount of clearing is  
15      extensive. And I'll tell you right now, that was a  
16      mistake. We had no -- we didn't realize that that  
17      clearing would be so extensive, and we want to address  
18      it. So the first big piece to the site plan review  
19      application is a restoration plan, a draft of which is  
20      right above those pictures. That restoration plan is  
21      prepared by Wilkinson Ecological from Orleans down here  
22      on the Cape, and we ran that by the town planner. In  
23      fact, we've had two what I'd call pre-application  
24      meetings with the town planner and other town officials.

1 One was on May 25, and the more recent one was just last  
2 Thursday, as Superintendent Price indicated. And those  
3 meetings were very helpful, provided some really good  
4 input as to making sure that we're on the right track to  
5 address this issue.

6 The second meeting last Thursday, we presented two  
7 pieces, as I said. One, which we feel is a very  
8 important piece obviously given the work that had been  
9 done, is a restoration plan to ensure that the area is  
10 restored consistent with local vegetation and endangered  
11 species that are mapped in this area. And a draft plan  
12 was presented to the town planners and others last  
13 Thursday. We got some really good comments, and we're  
14 going back to the drawing board on that and expect to  
15 produce a final restoration plan that will be submitted  
16 to the planning board by late October, early November at  
17 this point because of the work that we know we have  
18 ahead of us to present a solid plan to restore the area  
19 that was disturbed.

20 The other piece of it is the actual site plan, the  
21 overall site plan for the campground planned  
22 installation of the components of the treatment plant  
23 itself and related utilities, including water and  
24 electric. So that plan, the surveying was all done for

1       that. We have it mapped out on a plan, and that was  
2       also presented to the town planner last Thursday.

3               So that's really where we are. The restoration  
4       plan was submitted in anticipation of this meeting. We  
5       did submit the restoration plan to this commission,  
6       which you all have copies of. I don't have my Wilkinson  
7       team with me today, but any questions that could be  
8       handled by a layperson on this technical issue, I'd be  
9       happy to entertain. But that's really where we are.

10              We understand -- Superintendent Price and I had a  
11       conversation following up his letter to me last week to  
12       reinforce the idea that really what we need to do in  
13       anticipation of the CSC renewal for December is that we  
14       need to demonstrate to this -- to the Seashore, to this  
15       commission that we are indeed complying with local  
16       zoning requirements. So those steps that I just  
17       described are steps that we are taking to ensure  
18       compliance with those local requirements and to  
19       demonstrate compliance with your -- with your strictures  
20       of a basis for the waiver of the condemnation.

21              MR. DELANEY: Okay, thank you.

22              Comments or questions to Attorney Nagle? Yes,  
23       Larry?

24              MR. SPAULDING: How many units were there before

1       for camping spaces, and how many will there be when  
2       you're done?

3               MR. NAGLE: Two eighteen, which is the answer to  
4       both questions. We are issued annually a license from  
5       the town board of health for two hundred and eighteen.

6               MR. SPAULDING: So you're not extending the number  
7       of camping spots?

8               MR. NAGLE: Correct, correct.

9               MR. DELANEY: George?

10              MR. PRICE: Mr. Chair, just for information,  
11       remember the landscape clear-cutting was one topic. The  
12       other topic is that they have now -- that the reason for  
13       the extensive landscaping, they told us, is because they  
14       have outfitted each individual site with sewer, water,  
15       electrical, and cable. So we're now on to a whole  
16       intensity of use issue, as I understand it.

17              The other thing that I just wanted to clarify --  
18       and Attorney Nagle is right when he talked about our  
19       conversation -- is that the way that this type of  
20       approval works is that we're -- we and you all are  
21       looking at these approvals after the town's approval.  
22       And I have met -- we've met with the town, and again, we  
23       clarified that because I got questions of what's the  
24       Park going to do. But basically -- according to the

1 language in our legislation, basically he's right, that  
2 it's basically uphold the town zoning and certificates,  
3 and then we would get it to decide if it will work for  
4 the Seashore and for the Commission or not. So that's  
5 why it's important that this town weigh in. It's very  
6 important, and I had a recent conversation with the town  
7 manager in Truro just to restate that as well.

8 MR. DELANEY: If I could maybe just add to that and  
9 then I'll go back to questions. You probably could hear  
10 in the letter that we sent to you initially that this  
11 commission feels it's responsible for that mission of  
12 protecting the natural resources of Cape Cod National  
13 Seashore (indicates), and this extent of damage was  
14 alarming to us. So it wasn't -- we didn't see this. We  
15 appreciate your acknowledging mistakes or whatever, but  
16 it didn't seem to be just a matter of miscommunication  
17 or mistiming. It was really a major, major impact that  
18 alarmed this group, and we still are anxious to hear  
19 more eventually.

20 We have a lot of questions, so I'm going to  
21 restrict my comments for the time and go to Mary-Jo.

22 MS. AVELLAR: Well, my first comment is that on  
23 this plan I only see 200 campsites, not 218. There's  
24 200, 200A, 200B, and 200C. And I support the

1 Commission, what the chairman said about all this clear-  
2 cutting that was done out there. It was totally not --  
3 I guess not appreciated would be the kindest way to put  
4 it.

5 But where the building commissioner, the zoning  
6 enforcement officer, from Truro is here, is there any  
7 way we can hear from Mr. Braun about what's going on in  
8 Truro with this application?

9 MR. DELANEY: Sure, sure.

10 MS. AVELLAR: If he wants to.

11 MR. DELANEY: Yes.

12 MR. BRAUN: I'm happy to add a few comments. I'm  
13 Russ Braun. I'm the town building official.

14 As Superintendent Price added, there had been water  
15 -- not only wastewater, which we were aware of in town  
16 that that was happening, but water service, electrical,  
17 and cable data that was also in the process of being  
18 installed. So that sort of like made us think that  
19 there is a new paradigm here for this -- this area, and,  
20 you know, we needed to hear about it.

21 Now, surprisingly, campgrounds are not an allowed  
22 use in the Town of Truro. Who knew? It's not on our  
23 use table. So the three campgrounds that we do have are  
24 all -- existed prior to zoning. They're pre-existing

1 nonconforming uses. In our zoning bylaw under the  
2 Seashore District, any change or alteration of a pre-  
3 existing nonconforming use needs to have a special  
4 permit. So not only are we going -- not only is it the  
5 site plan review that the campground needs to go  
6 through, but it also requires a visit to the zoning  
7 board of appeals to determine whether or not whatever  
8 use or alteration is being proposed is acceptable.  
9 First of all, they have to find that, yes, it is an  
10 alteration of a pre-existing nonconforming use, and then  
11 they have to decide whether or not this merits a special  
12 permit. And so it's not just an approval of a site  
13 plan. It's also approval of an alteration of the use.  
14 So there are a number of things that need to happen.  
15 But again, so it was site plan review. It was the use  
16 issue that was really -- you know, that was the first  
17 thing you come to in the bylaw, and so we're debating  
18 that or the town boards are going to be debating that as  
19 well.

20 MR. DELANEY: Thank you. That's very helpful.  
21 Joe?

22 MR. CRAIG: Again, do you look at this as a change  
23 of use or an intensification of a pre-existing use?

24 MR. BRAUN: I don't look at it as anything -- it's

1       really for the ZBA to make that determination. It was  
2       clearly an alteration. You know, even if you just take  
3       a look at the fact that the land was cleared, that is an  
4       alteration of that use, and the fact that there were all  
5       of these utilities being installed, that was an  
6       alteration of the use. So from my standpoint as  
7       enforcement officer, it was sufficient to put the stop  
8       work order on. Also, the other chunk of the zoning  
9       which has to do with site plan review, which on any  
10      commercial property, you know, you move a bucket of  
11      earth and cut down a tree, that requires site plan  
12      review on commercial properties. So there were these  
13      two areas of zoning that I was looking at that were  
14      sufficient enough to issue a stop work order.

15             And so at this point it's a matter of the property  
16      owner or the tenant and the various town boards to get  
17      together and hash it all out.

18             MR. CRAIG: You said you had no use -- there's no  
19      legal use as a campground unless it's pre-existing?

20             MR. BRAUN: Yes.

21             MR. CRAIG: What about a mobile home park? I'd  
22      like you to differentiate between the two.

23             MR. BRAUN: You know, that is a -- I don't know  
24      whether you can even call it philosophical, but I think



1 a lot of it is -- and it's going to be, I think, a  
2 pretty interesting conversation. What is camping now?  
3 And I can't answer that. But, you know, is an RV park  
4 camping? Clearly that is what the direction of this  
5 plan -- from anybody who is looking clearly at the plans  
6 that have been presented, is that camping? Or is  
7 tenting -- you know, tent camping, is that camping? And  
8 I don't have the answers to that, and that is what has  
9 to be hashed out, you know, with the zoning board of  
10 appeals because there is probably some concern there.  
11 And for a question there as to, you know, what is this  
12 place now or what is it going to be, you know, again,  
13 it's -- I think that everybody kind of needs to weigh  
14 in. Unfortunately, I don't have the answer to that.

15 MR. DELANEY: Don?

16 MR. NUENDEL: Yeah, just one quick comment, and I  
17 think we discussed this when this first came to light,  
18 was the amount of trees that seemed to disappear. And I  
19 assume a lot of those trees were fairly mature trees.  
20 So I don't know if they have a magic wand, but I don't  
21 know if we're ever going to get back to where it was.  
22 And I was just wondering, what kind of general plan  
23 they're having, or is that still too far out for them to  
24 think -- to think about?

1           MR. NAGLE: Yeah, that's a very good question, and  
2           I'm in discussions with -- and that's why we hired  
3           Wilkinson Ecological, because they're experts on that  
4           and, you know, they're the ones to tell us what's the  
5           best plan to get this property back to the status quo.  
6           And I did -- you know, part of that discussion occurred  
7           at the pre-application meeting last Thursday, and I know  
8           Wilkinson did say that, you know, if they had to bet  
9           between an oak seed and a 10-gallon barrel with an oak  
10          tree that beg which is going to survive, they would vote  
11          for the acorn. And, you know, that tells me, geez,  
12          that's a lot of patience to wait for the property to  
13          look like it did prior to this admittedly extensive  
14          clearing that was not certainly intended by us, but  
15          that's what happened, and we're having to deal with it  
16          now. And we're motivated to deal with it in the most  
17          responsible way we can.

18          MR. DELANEY: Stay within the committee for another  
19          minute. Joe?

20          MR. CRAIG: Well, it's clearly not a restoration  
21          project from what I can see from the pictures, but  
22          it's a new set of plans to comply with a new use. To  
23          restore what was there is not what Wilkinson is doing.  
24          Wilkinson is now coming up with a landscape plan for a

1 mobile home park. That's not what was there, so calling  
2 it a restoration project is not correct.

3 (Ms. Lyons enters the room.)

4 MR. NAGLE: In fact, there was a comment made  
5 during the meeting on Thursday which was something to  
6 the effect of "Well, there's a lot of white in there.  
7 There's a lot of -- you know, where's the green?  
8 Where's the restoration?" Well, one of the things that  
9 that plan does not depict is the canopy that would  
10 result from the proposed planting, and so we're going  
11 back to the drawing board on that to do two things.  
12 Really there are two issues. One is to try to depict as  
13 accurately as we can the pre-existing conditions, and we  
14 have aerial -- you know, what do we have? We have  
15 aerial photographs. We have -- let's call it anecdotal  
16 photographs of what the place looked like, some of which  
17 we can get from campers themselves, but unlike the  
18 existing condition plan where we had a surveyor go out  
19 and survey exactly what was there, we don't have that  
20 luxury to depict in that level of exactitude what was  
21 pre-existing.

22 But your point taken is that we want to restore  
23 what was there, but keep in mind there is a pre-existing  
24 use there, and that is a campground. And by the way,

1 the original name of Horton's was Horton's Mobile Home  
2 Park, which goes to your question about whether this is  
3 a mobile home park or is it a campground or what it is.  
4 RVs have been going to Horton's since the '40s.

5 So we are struggling with how to upgrade, maintain,  
6 and enhance the camping experience. As Russ alluded to,  
7 what the camping experience is in 2016 may be different  
8 than what it was back in the '40s, but we're struggling  
9 with that. It's a hard question. So it's a line  
10 between restoring what was damaged, allowing my client  
11 to upgrade the facility in a manner that not only  
12 complies with state environmental law, which is what got  
13 this all going to begin with, and that is that my client  
14 did agree to upgrade the -- there were pre-existing RVs,  
15 there was pre-existing septic, pre-existing water and  
16 electric. Were they to all the -- were they to all the  
17 sites? No, they weren't. Do we propose to have that  
18 available to all the sites? Yes, we do. Will every --  
19 each and every site be used for RV? No, based on -- at  
20 least based on past experience with the people who go  
21 there who want to use it for primitive camping or RV  
22 camping or something in between.

23 So we're trying to manage these different pressures  
24 being put upon my client; one, you know, a state order

1 to put in a treatment plant to protect the groundwater,  
2 which this commission has supported in the past, rightly  
3 so, comply with local zoning, and to allow Horton's to  
4 run a successful campground business.

5 So my experience in all this -- and I have been  
6 before this commission at least once or I think twice  
7 over the past few years -- is communication. And we  
8 want to communicate with you. We want to let you know  
9 what we're doing, and we have a big deficit to make up  
10 with regard to this commission and the town with regard  
11 to communication about what we intend to do, getting a  
12 better understanding of what the local bylaws require to  
13 accomplish it, and to go through the right channels to  
14 do that. So needless to say, my client has kind of got  
15 his utmost attention on this project to get us back to  
16 status quo and to go forward because the state's order  
17 is not just to install sewer at Horton's but also North  
18 Truro Camping Area down the street.

19 MR. DELANEY: Quick comment from Larry, and then  
20 we'll go to --

21 MR. SPAULDING: This is for Attorney Nagle.

22 The 218 sites, were they all suited for RVs or were  
23 some more primitive camping sites?

24 MR. NAGLE: The latter.

1           MR. SPAULDING: And then my next question is, the  
2           218 sites that are here, will they all be suited for  
3           RVs?

4           MR. NAGLE: Yes, I believe they are. I believe  
5           they are. Again, this is a campground that has been in  
6           place for decades and decades. For the first time  
7           really, we're looking at, okay, where is this -- where  
8           is Campsite A, where is Campsite B or 1 and 2 up to 218,  
9           and exactly where do they sit on a survey engineer plan,  
10          and what can fit there? So this is part of what we're  
11          going through right now, and I must say it was a  
12          challenge to -- that plan was based on a survey plan.  
13          We had to make sure that all of the campsites actually  
14          fit into the legal boundaries of the property. And as  
15          you'll see from the plan, there have been excursions  
16          over time, and those excursions were in place for  
17          decades. We have to readjust what was there in order to  
18          make a logical plan and also so we're not encroaching  
19          upon surrounding property, owner property.

20          MR. DELANEY: One more follow-up from Larry.

21          MR. SPAULDING: One final question for Attorney  
22          Nagle.

23          Have you taken a position with your client relative  
24          to whether -- what you're planning on doing would

1       require a special permit as an expansion of a pre-  
2       existing nonconforming use or whether you feel that you  
3       can do it as a matter of right?

4               MR. NAGLE: I think that is -- that's the question.  
5       That's the \$64,000 question. And the other question is,  
6       if it does -- if zoning relief is required that is a  
7       special permit from the ZBA, will the ZBA grant it? And  
8       if they don't, what is Horton's to do? So that's a --  
9       as Russ suggested, we're going to be working through  
10      those issues as we go from -- you know, chronologically  
11      from the site -- from the planning board and then to the  
12      zoning board of appeals, but we're basically looking to  
13      the planning board to give us direction as to what the  
14      position is on that question.

15             MR. DELANEY: Mark?

16             MR. ROBINSON: I'm sorry I wasn't here when this  
17      was previously discussed. Am I seeing that this is the  
18      property line that goes around the perimeter here and  
19      there at these excursions, as you call them, across the  
20      property line? Is that recent cutting or is that older  
21      cutting?

22             MR. NAGLE: Well, some of it is recent cutting, to  
23      be honest. Older parts --

24             MR. ROBINSON: Who are the property owners on the

1 perimeter?

2 MR. NAGLE: The Cape Cod National Seashore.

3 MR. ROBINSON: So private encroachments onto  
4 federal property, not just the abutters. It's the  
5 National Seashore.

6 MR. NAGLE: That's absolutely right.

7 MR. ROBINSON: I just wanted to make sure I  
8 understood that.

9 Are these lines bounded on the ground well enough  
10 so that contractors can figure out where those lines  
11 are?

12 MR. NAGLE: Yeah, new bounds were -- Outermost  
13 Surveying did all the surveying. They put new monuments  
14 in where they thought that they were needed. But keep  
15 in mind the extent of cutting versus the extent of  
16 incursion by campsites is a little above, and that's  
17 been -- again, this is the first time we've looked at  
18 this from a technical surveying and engineering point of  
19 view and found that we're not quite in the footprint we  
20 should be in.

21 MR. ROBINSON: I would suggest that the committee  
22 or the staff or somebody ask for some changes on the  
23 site plan or this restoration plan to show the names of  
24 abutters, which is the standard practice for survey



1 plans, to indicate where bounds will be placed like on  
2 the -- unless there's another survey plan that I don't  
3 have.

4 MR. NAGLE: There is.

5 MR. ROBINSON: Well, I think that this plan should  
6 mimic that because this is often the only plan the guys  
7 going out to do the work ever look at. There's no name  
8 of the owner on this plan. It just says Horton's  
9 Campground. I'm sure that's not the legal name of the  
10 entity. This is no longer a mom and pop operation.  
11 It's owned by a big corporation, as you know, and it's  
12 my understanding the certificate for the suspension of  
13 condemnation implies that these commercial properties  
14 are here as a privilege, not a right. And so part of  
15 that privilege is making sure that the National Seashore  
16 staff, this body as well as the towns are pre-consulted.  
17 I know you're the messenger, but this is a -- and I  
18 applaud -- I applaud that there is camping going on at  
19 the Seashore. We need more of it. I applaud that they  
20 want to upgrade the septic so that there is less ground  
21 pollution, but those in my mind don't offset the  
22 privilege it is to run a commercial business at a  
23 federal park.

24 MR. DELANEY: Thanks, Mark.

1 Just going around the room, Mary-Jo is waiting.

2 MS. AVELLAR: Well, I'm still trying to find the  
3 218. I've only got 200.

4 MR. ROBINSON: It's A, B, and C (indicates).

5 MS. AVELLAR: Oh, the A, Bs, and Cs? Is that how  
6 you get the --

7 MR. ROBINSON: Uh-huh.

8 MS. AVELLAR: And I don't really care if they're in  
9 RVs or in tents. What I care about is that the Town of  
10 Truro is satisfied that -- and I think some were kind of  
11 jumping into areas that rightfully belong to the Truro  
12 Zoning Board of Appeals and the Planning Board, but it's  
13 the clear-cutting that's really burning me up. And as  
14 Mark has pointed out, we don't know who's here except  
15 for what is shown on the map. So I'm not particularly  
16 interested whether they're in campers or they're in  
17 tents. I wouldn't go in either one of them myself, but  
18 the Town of Truro is my concern, that the Town of Truro  
19 is satisfied that what you do is in accordance with  
20 their rules and regulations. And I'm concerned as well  
21 that the time is getting very short. We're almost in  
22 October now, and we're talking about our condemnation  
23 certificate running out at the end of the year. So I'm  
24 trying to figure out how you're going to get all this

1 done.

2 MR. NAGLE: Just to quickly respond to that, if I  
3 may.

4 MR. DELANEY: Yeah. We have a lot more to go, so  
5 be quick.

6 MR. NAGLE: We're adamant that we're going to  
7 restore the areas that were destroyed, and we're not  
8 going to use that contractor again. And we are going to  
9 work as closely as we can with the town to ensure that  
10 they are happy with our final proposed plan. It is a  
11 draft plan. We were anxious to get it to you before  
12 this meeting so you had a chance to look at it. It is  
13 draft. It will require modifications. We got really  
14 good comments last Thursday, and we're working to come  
15 up with a first-class plan.

16 And then lastly, regarding the timing for the  
17 December meeting, our goal is to get the applications  
18 into the planning board, as I said, late October, early  
19 November, and so what will likely be the case at the  
20 December 12, I believe, meeting is that there will be a  
21 pending -- a hearing will be pending before the planning  
22 board at that time.

23 MS. AVELLAR: There's the 40-day appeal period, and  
24 that kind of stops the whole -- you're really pushing

1           it.

2           MR. NAGLE: I'm sorry?

3           MS. AVELLAR: You have appeal periods after that  
4           too, so you're really kind of pushing it, you know,  
5           based on what these boards --

6           MR. NAGLE: I expect there will be several  
7           meetings, several continued hearings, and we may be  
8           moving on to the ZBA after that. So there is a time  
9           issue.

10          MR. DELANEY: I'm going to recognize Joe and then  
11          Larry and then go outside to -- and Maureen, and then  
12          I'm going to ask Lauren to comment.

13          So Joe?

14          MR. CRAIG: You know that when you go before the  
15          ZBA, the fact that your client is under pressure,  
16          they're going to recognize that it's self-imposed and  
17          they're not going to buy that argument.

18          But next, a question on these campsites. Are they  
19          going to be leased out on a long-term basis, the  
20          individual campsites?

21          MR. NAGLE: It's a seasonal campground.

22          MR. CRAIG: It's a seasonal.

23          MR. NAGLE: Seasonal.

24          MR. CRAIG: So there are no long-term leases

1 involved?

2 MR. NAGLE: Correct.

3 MR. DELANEY: Larry?

4 MR. SPAULDING: Mark raised a good point, and I'd  
5 just ask it from the extent you can tell me. There's no  
6 question that there was no cutting on land owned by the  
7 Seashore? There's no question that all this cutting is  
8 within the bounds of ownership of your client and not  
9 out into Seashore property?

10 MS. BURGESS: It is in the Seashore.

11 MR. DELANEY: It is.

12 MR. NAGLE: I think that there is some cutting --

13 MR. ROBINSON: That was a question of both, inside  
14 and outside.

15 MS. BURGESS: Yeah, it's in and out.

16 MS. AVELLAR: In and out.

17 MR. SPAULDING: But do we have something that tells  
18 us exactly where on the Seashore land that they cut?

19 MR. DELANEY: Lauren can tell.

20 MS. McKEAN: Yeah. If you see these hatched areas  
21 here (indicates)?

22 MR. SPAULDING: Uh-huh.

23 MS. McKEAN: So where they're proposing some kind  
24 of restoration. And I guess a trailer site over here

1 (indicates).

2 MR. SPAULDING: I was just raising that for  
3 tonight, but, Lauren, at some point what's on our  
4 property, the town doesn't really -- they may care about  
5 it in terms of their own permits, but we ought to care  
6 about it, what they're doing, that we're satisfied with  
7 what they're doing, and that has to be reviewed, I  
8 think.

9 MS. McKEAN: Yes.

10 MR. DELANEY: Yes, that's our mission.

11 MR. PRICE: Frankly, we were made aware that some  
12 of the cutting was definitely on United States property,  
13 and we're currently investigating, as we would any other  
14 private property owner, that clear-cuts on federal  
15 property. So Lauren, frankly, is setting up that  
16 investigation with our law enforcement rangers.

17 MR. DELANEY: Thank you.

18 Maureen?

19 MS. BURGESS: Just a couple of things, Mr.  
20 Chairman. Following up on Mary-Jo's comment, I think  
21 there is a very big difference between primitive camping  
22 and RV camping, and we've also been made aware that the  
23 connections were made for electrical and sewer and cable  
24 TV. And that's a very different experience from

1 primitive camping, which was the original use.

2 One big concern of mine that I brought up at the  
3 last meeting was that, yes, I'm very gratified also that  
4 there's thought of a restoration plan, but that's sort  
5 of like beating somebody up and then sending him an *I'm*  
6 *sorry* card afterwards. Because we had a horrible  
7 drought this summer, and that degree of clear-cutting  
8 really took away the loam and the soil from the feeder  
9 roots of trees that were not removed but were impacted.  
10 So we may have not yet seen the full extent of the  
11 damage to the vegetation.

12 The other point I wanted to make, because I think  
13 this is a question of changing use, and I will quote --  
14 as the representative from Truro, I will just refer to  
15 our zoning bylaw briefly. What I've observed at the  
16 other Adventure Bound Campground is that many of those  
17 sites have -- which I understand are rented for the  
18 season -- have constructed permanent structures around  
19 them. I've seen one that has a screen house attached.  
20 I've seen decks. It's like a little city. You know, if  
21 that's where we're going, I think that that definitely  
22 is, from the town's point of view, a change in use and,  
23 from the Seashore's point of view, a change in what was  
24 the spirit of the law of the Act of August 7, 1961.

1           Our zoning bylaw -- just quickly for the benefit of  
2           the commissioners, the zoning bylaw from Truro, Section  
3           30.3: (Reading) Seashore District purpose. The  
4           Seashore District is intended to further preservation  
5           and development of the Cape Cod National Seashore in  
6           accordance with the purpose of the acts of Congress of  
7           August 7, 1961, to prohibit commercial and industrial  
8           uses therein, to preserve the increase -- and increase  
9           the amenities of the town and to conserve natural  
10          conditions, wildlife, and open spaces for the education,  
11          recreation, and general welfare of the public (end  
12          reading). So that's the purpose.

13           One of the -- Section 12 under that 30.3 states:  
14          (Reading) Lawfully pre-existing nonconforming  
15          commercial uses and structures may continue but in no  
16          case shall the use be altered or converted to another  
17          commercial use (end reading). And I think that's what  
18          we're all kind of struggling with here. It looks like  
19          it's going in a different direction.

20           And under Section 70.1 under site plan review, Note  
21          D, site alteration, violation of the bylaw: (Reading)  
22          No building permit, site clearing, filling, grading,  
23          materials delivery, or construction shall be initiated  
24          on any site to which this section applies until the



1 required commercial or residential site plan approval is  
2 obtained from the planning board (end reading).

3 So unfortunately, you're -- if it's the general  
4 contractor that I think it is, you unfortunately made a  
5 bad choice of contractors because this particular  
6 contractor has violated clearing in private property  
7 situations where he shouldn't have, but beyond that I  
8 just -- I'm just really concerned that we're stepping in  
9 -- we're almost -- I appreciate the restoration plan,  
10 but we're moving in a direction that will enable in a  
11 sense this new use, and I don't think we're clear that  
12 this is the direction we want to go in in case that we  
13 are dealing with more permanent structures that will  
14 provide almost year-round housing, affordable housing  
15 for people.

16 So that's just my comments.

17 MR. DELANEY: Okay, thank you.

18 Lauren, would you like to offer a couple comments  
19 on what your activities have been so far in dealing with  
20 this?

21 MS. McKEAN: Sure. I did attend their meeting on  
22 Thursday afternoon, and they were looking for a more  
23 robust plan, as Attorney Nagle said. They do want to  
24 see that pre-existing condition from last spring before

1 the activities happened last spring. So the idea would  
2 be there would be more litigation that will be requested  
3 of the applicant. I think that's fair to say.

4 I would also say that given the site plan review is  
5 now going to be later in October and into November even  
6 and the zoning board of appeals hearing has already been  
7 requested to be postponed until December, you won't be  
8 able to fully deliberate at the November meeting. So I  
9 just think you should know that now.

10 MR. DELANEY: Okay, all right.

11 Anything else from the commissioners? Mark?

12 MR. ROBINSON: I was struck by Attorney Nagle's  
13 point that Wilkinson said that acorns are more likely to  
14 survive than real trees, saplings. That may be very  
15 true, well and good from a biological standpoint, but in  
16 terms of restoration, that's not the issue. The issue  
17 is getting it back to what it was as much as possible.  
18 So we're not going to put in 50-foot trees. We're not  
19 going to put in acorns either. We're going to -- we. I  
20 say we. I mean, as a citizen of the United States, I  
21 want my trees back on my property the way they were. So  
22 at least on the federal property, it seems to me that we  
23 do have some say over it. Acorns are not going to be  
24 planted. They should be sizable trees, 5, 10 feet, 12

1       feet, that are subject to a three-year monitoring  
2       program and replaced as necessary so that we can have  
3       the restoration accelerated. And it will be more  
4       expensive to do it that way. Not our problem.

5               MR. DELANEY: Thank you.

6               Larry?

7               MR. SPAULDING: I have a question for Lauren.

8               Lauren, if we can't decide this and the suspension  
9       is about to expire, if it does expire, can we give it  
10      back to them or is the law that once it expires we can't  
11      give it to them? Because I don't really want it to  
12      expire. We're trying to solve this problem, and if  
13      there's no time for us to actually increase their time  
14      for another six months or nine months, I'm in favor of  
15      doing that because it's not going to be the end of the  
16      world. Maybe that's something we should do at this  
17      meeting, or if we know we're going to have a meeting, we  
18      can do it at the next meeting, but I don't want them to  
19      lose it if they're really trying to fix the problem and  
20      deal with the communities.

21              MS. McKEAN: The last time you extended it, you  
22      extended it for three years instead of the usual five  
23      for commercial properties because wastewater treatment  
24      -- not wastewater collection but a wastewater treatment

1 collective system was needed. And I do know that you  
2 have had them expire and then they have not been  
3 reinstated because it wasn't that same use. We do have  
4 a question here of: Is this an alteration of use, or is  
5 it a change of use? You can't change a commercial use  
6 within the Seashore. So there's an alteration of use  
7 question here, and that's the zoning board of appeals.  
8 That's December.

9 MR. DELANEY: Lilli?

10 MS. GREEN: I have a comment, a question for Lauren  
11 and also for the attorney.

12 So, Lauren, are you saying that we could extend it?  
13 Could we also put the condition on it that the stop  
14 order still remains in place while we extend it?

15 MS. McKEAN: I think you could probably in addition  
16 to --

17 MR. PRICE: I'm sorry. Say that again.

18 MS. GREEN: If we extend it, that we extend it with  
19 the condition that there's still a stop order on any  
20 construction until it's resolved?

21 MR. PRICE: Well, that's the responsibility of the  
22 town, but I fully expect -- and I would recommend, Mr.  
23 Chair -- that what Larry was saying is probably an  
24 option, and that is to go for an extension whether we

1        did it now or at the December meeting. The December  
2        meeting you'll have a better idea.

3            And also I would remind you that if -- so I said  
4        our first benchmark here is how they comply with the  
5        town, and then, frankly, if it comes back to the town --  
6        say the town agreed to have a year-round mobile home  
7        park, well, we might still decide that's not what is the  
8        best for the Seashore, and this commission still could  
9        recommend not to issue the CSC. Don't forget. You all  
10       are advisory to the superintendent, and the Park Service  
11       could still not proceed with the CSC. So we still have  
12       a number of options out there, but I'm assuming where we  
13       are -- and you're absolutely right. It's a self-imposed  
14       issue, although even just the wastewater plant was a  
15       long time, which is why we gave them three years -- that  
16       you all are going to come up with some sort of  
17       extension. Then we'll find out. What Lauren was saying  
18       was true. We'll have to make or determine with the town  
19       if this is a change or not and then if this body and the  
20       Park Service decides if they should continue to have a  
21       CSC or not.

22           MR. DELANEY: Second question, Lilli?

23           MS. GREEN: Yeah. The other thing is as well that  
24       it seems to me that we're dealing with two separate

1 issues. One is with the property within the bounds of  
2 Horton's Campground and also what's outside of that  
3 bounds, what's in the National Seashore. In my mind  
4 they're two separate issues, and we may decide that  
5 there are two separate solutions to those and two  
6 separate actions that we might recommend as a commission  
7 to be taken.

8 Am I correct in that assumption?

9 MS. McKEAN: Generally we would have our ranger  
10 division handle the encroachment issue, and so we  
11 already have a ranger who's been assigned to this  
12 project and we'll be conferring.

13 I'm not sure on that one, George.

14 MR. PRICE: Yeah, I'm not sure that needs Advisory  
15 Commission because we will exercise our responsibility  
16 on that end.

17 MS. GREEN: So you will work with Attorney Nagle on  
18 --

19 MR. PRICE: Yeah, we're going to investigate what  
20 damage has happened on the United States property and  
21 act accordingly.

22 MS. GREEN: And act accordingly.

23 MS. AVELLAR: We already know what's happened.

24 MS. GREEN: Can you share with us what that means?

1           MR. PRICE: Typically in the past, such examples,  
2           the property owner has been fined and maybe there's been  
3           restitution involved as well.

4           MR. DELANEY: Okay, thanks.  
5           Larry?

6           MR. SPAULDING: My inclination --

7           MR. DELANEY: Oh, I'm sorry. Lilli had a second  
8           question for the attorney.

9           MS. GREEN: So I know that it's standard procedure  
10          to call this a restoration project and to put  
11          restoration all over this, but in looking at the  
12          photographs and then even just driving by to Payomet in  
13          Truro, I have to say that the clear-cutting was  
14          shocking. And to call it restoration I think is really  
15          a misnomer, and I don't see how you can restore not only  
16          the trees but also the groundcover and some of the  
17          sensitive visual impacts in the -- it just blended into  
18          the environment before this was clear-cut, so I think  
19          I'd like to just register my -- my concern over the fact  
20          that it's being just glossed over as if it's going to be  
21          planting a few little trees or the landscaping is going  
22          to restore this area because in my mind it's been  
23          destroyed.

24          Thank you.

1 MR. DELANEY: Larry?

2 MR. SPAULDING: My inclination is to see if they  
3 can work this out with no agreement on our part and  
4 extend it for one year, if we can do that, because I'd  
5 hate to see them lose the certificate if in good faith  
6 they're trying to solve these problems to the  
7 satisfaction of the town and maybe eventually to the  
8 Seashore. I agree with George. The fact that the town  
9 approves it -- we wouldn't approve it if the town didn't  
10 approve it. If the town does approve it, it doesn't  
11 mean we have to approve it based on the standards. If  
12 we can extend it for one year from the deadline, which I  
13 guess is the end of this year, I'm inclined to do that.

14 MR. DELANEY: We'll know more in the next meeting.

15 MR. SPAULDING: My only concern is if we don't have  
16 a quorum at the next meeting that we can't extend it.

17 MR. NUENDEL: We'll put it on the agenda. That's  
18 all.

19 MR. DELANEY: We'll have it -- there will be time  
20 -- there will be a key time and a point where we will  
21 hopefully know a lot more. We've raised -- before I  
22 conclude, anything else from any commissioner?

23 George, do you want to say anything else?

24 MR. PRICE: I just want to make a couple of



1        comments, and Larry just said if they're going to work  
2        in good faith this next year. I find it hard to use  
3        that statement after what we've just gone through, and I  
4        personally feel hoodwinked, was the term that I gave to  
5        Attorney Nagle the first time we met on this, because we  
6        did feel we were working on good faith. We had met with  
7        them. We had worked with this body in getting an  
8        extension because it obviously made sense that a  
9        combined wastewater system made a lot of sense. And  
10       given the amount of time and working with them and  
11       everything I think was -- we all were doing thinking we  
12       were on the right path.

13                If you recall, we've had numerous campgrounds in  
14       the Seashore boundary. People ask me all the time, "Why  
15       don't you have an NPS campground?" Well, because part  
16       of the deal was when the Seashore came into the Cape  
17       there were already private campgrounds, whether it was  
18       the North of Truro Camping Area, whether it was these  
19       two, whether it was the one in Provincetown and some  
20       others. And therefore, the federal government was not  
21       going to set up a competition business in campgrounds  
22       because they were already here. You know that we went  
23       through all that effort with North of Highland Camping  
24       Area with securing that conservation easement over that

1       80 acres -- excuse me -- 80 acres, that's another one --  
2       the 57 acres, I think it was. And the whole idea was to  
3       try to keep that as a business, as a viable business and  
4       not have them go belly up and not return to private  
5       development because, as again -- I was here for the 50th  
6       anniversary of the Seashore -- we're looking at the next  
7       50 years and having a camping experience.

8               Mary-Jo, even though you and my wife will never get  
9       in a tent again, we think that it's an important  
10      opportunity for visitors into the future either because  
11      of the affordability or because of the primitive camping  
12      nature.

13             Now, North Camping Area and this area, as Attorney  
14      Nagle said, has always had campers, now called RVs. So  
15      it's not an exclusion of that. The concern that I have  
16      is 50 years from now what will this look like? We all  
17      know what it used to look like, and it was a mix of some  
18      equivalent of RVs and primitive camping, but if this  
19      does get changed in use and it gets turned into  
20      virtually a year-round mobile home park, that is a  
21      substantial change of use. The hard thing to define  
22      with the establishment of the Seashore was to keep the  
23      Cape Cod character, and what's the future of this going  
24      to look like that has anything to do with the Cape Cod

1 character or what the objectives were for the Seashore?

2 So those are the things that I'm concerned about.

3 And yes, we want to work with Attorney Nagle and the  
4 client at this point forward, but I'm committed to work  
5 with the town.

6 Mary-Jo, you were talking about wanting the town to  
7 be satisfied. I agree with you that that's the number  
8 one piece here, and then we'll continue to see where we  
9 go from there.

10 MR. DELANEY: Okay, so we have voiced a number of  
11 concerns here today. I think George just summarized  
12 them nicely. I will just add to that that I sense a  
13 very, very serious concern about the apparent change in  
14 use direction that lots of information points to in  
15 terms of what kind of campers are. That will be  
16 discussed further.

17 The second major concern is the extent of physical  
18 damage to the natural environment, and that's what first  
19 alarmed us. It goes right to the core of our  
20 responsibility here. And I see this company is called  
21 Ecological Design -- Wilkinson Ecological Design, but I  
22 think the point that's been made is this is not just  
23 replanting a few small trees. And maybe -- I don't know  
24 if it can be done. I hope they come up with some kind

1 of magic, but it's certainly not this thing that we're  
2 seeing here today. That's one message.

3 And thirdly, the process is true. I believe -- I  
4 don't know, but correct me if I'm way off base, Attorney  
5 Nagle. But Adventure Bound Campground Resorts is not a  
6 rookie in this business. Apparently you have sites all  
7 over the country, from what I understand, and probably  
8 that company has been through this before. How they  
9 could not have been aware of local zoning, state zoning,  
10 permits and everything that now we're getting the mea  
11 culpas from or for is just inconceivable. So I agree  
12 with George. We as a committee three years ago said in  
13 good faith we'll give you guys three more years, your  
14 clients, to go deal with wastewater because that's a  
15 huge issue, and here we are now with this situation.

16 So I don't know -- I guess I'll conclude by saying  
17 we always were open for discussion. We may get to the  
18 point in November, I guess our next meeting, where we'll  
19 have to consider whether an extension is worthwhile to  
20 keep the discussion going, but I sure would hope that  
21 there is a lot of progress and a lot of real solid, good  
22 improvement on all fronts when we get to that point so  
23 we will have some -- some truly good faith basis to  
24 grant an extension. Otherwise I see a lot of evidence

1 on the other side. But I hope I'm summarizing properly.  
2 That's not me pontificating and trying to steal all the  
3 information I heard here.

4 Okay, thank you very much for your time.

5 MR. NAGLE: Thank you very much.

6 MS. BURGESS: Thank you.

7 MR. DELANEY: Back at you, the Superintendent's  
8 Report. A minor digression here.

9 MR. PRICE: Right. So one of the -- I think,  
10 frankly, just to let you know, I'm already seeing that  
11 I'm going to abbreviate my report. So we're going to  
12 hit with some of the highlights.

13 MR. DELANEY: Can I just say -- Russ, thank you for  
14 coming and taking the time.

15 MR. BRAUN: Well, thank you for allowing me to  
16 attend.

17 MR. DELANEY: No, we always want public officials  
18 to be with us when appropriate and through your  
19 delegate, but we appreciate you taking the time to be  
20 with us.

21 MR. BRAUN: And if there are any questions, you  
22 know, Maureen knows how to find me, Mary-Jo knows how  
23 to find me. Call me directly. I'm happy to fill you  
24 in.

1           CAPE COD MODERN HOUSES AND THE NATIONAL SEASHORE -

2                           BILL BURKE, PARK HISTORIAN

3           MR. PRICE: So this morning we had a really great  
4           field trip. As you know, we offer the Commission field  
5           trips the morning of, and we decided to take advantage  
6           of an offer from Peter McMahon to visit one of the  
7           historic modern houses. For those of you that didn't  
8           make it, you should really feel sad because it was one  
9           of the best field trips. I just want to say that.

10                   But the reason that I thought it was important was,  
11           as you all know, the vacant houses that the Seashore has  
12           is often about criticism from the community because  
13           unfortunately many of them are in very bad shape. A  
14           number of years ago a number of these houses were  
15           designated to be eligible for the National Register,  
16           which you'll hear about, and since that time they've  
17           been trying to figure out how to handle it.

18                   Peter McMahon came forward, who worked with the  
19           Town of Wellfleet and formed a non-profit, which you'll  
20           hear a little bit about. And sitting behind me is Sue  
21           Moynihan. She's our chief of interpretation of cultural  
22           resources and is working with Bill Burke. They've  
23           worked with our regional office on coming up with what I  
24           think has been an amazing solution. And for those of

1       you that were on the field trip really got to see the  
2       fruits of that collaboration on them actually taking  
3       over long-term leases and really saving these houses  
4       from the brink because the only alternative is  
5       eventually they're no longer structurally viable and  
6       they just have to be demolished. But we now have a  
7       small collection, and we'll continue to work with Peter  
8       on some others.

9               So I've asked Bill Burke, our Park historian, to  
10       give us just a quick PowerPoint overview of the modern  
11       houses so that those of you that weren't able to attend  
12       the field trip can get a sense of what we saw and where  
13       the program is headed.

14              MR. BURKE: Are we allowed to hit the lights?

15              MR. PRICE: Yes.

16              (Pause.)

17              MR. BURKE: Okay, good afternoon, everybody.  
18       Superintendent Price asked me to go over all of the  
19       modern houses that we have in the Park that are  
20       considered historic now and what we're doing with them.  
21       So I'm going to give you some visuals of those.

22              This is a classic story of the famous question of  
23       what's historic and how the question what's historic  
24       changed. So going back almost a century, there was a

1 rise of a new movement in architecture and design that  
2 began in Europe with reaction to the Victorian Age and  
3 all the ornamentation of the Victorian Age. It was a  
4 reaction to World War I, the rise of new regimes in  
5 Europe and false monarchies in Europe. So the Bauhaus  
6 movement was established in Germany. That movement  
7 emphasized the harmony and function and form in  
8 architecture, furniture design, and really every aspect  
9 of daily life. That Bauhaus movement in Europe  
10 transfers to the United States. Frank Lloyd Wright,  
11 here is his *Fallingwater* work. Modern architecture and  
12 the thinking behind the Bauhaus comes to America. And  
13 some of the architects who have to flee Nazi Germany in  
14 the 1930s, they come over and teach at places like  
15 Harvard and MIT.

16 And Cape Cod, and in particular Wellfleet, becomes  
17 this kind of origination point of modern architecture in  
18 Europe. So this is a shot of some of the ponds in  
19 Wellfleet. And Jack Phillips, who is a prominent  
20 Bostonian, acquired an awful lot of land in the ponds  
21 area and then began selling it to his associates who  
22 were modern architects from Europe. And some of the big  
23 names -- we won't get into too much of this -- but Serge  
24 Chermayeff on the left, Marcel Breuer on the right were



1 two of the architects that summered in Wellfleet, built  
2 their summer houses, built houses for their clients  
3 along with a whole bunch of other famous modern  
4 architects as well.

5 So we have at the National Seashore eleven  
6 post-1959 properties that have been found over the years  
7 to be historic. This is Ruth Hatch, who has since  
8 passed away since my meeting with her many years ago.  
9 This is the Hatch House. This is one of those eleven  
10 modern house historic properties that are within Cape  
11 Cod National Seashore or owned by Cape Cod National  
12 Seashore. This house was built in 1960 after the cutoff  
13 date for construction at the Seashore.

14 So when Ruth Hatch died, this house was turned over  
15 to the National Seashore and has since been restored by  
16 a group called the Cape Cod Modern House Trust. We have  
17 three houses within the Modern House Trust family now.  
18 They lease them from the National Seashore. This is the  
19 interior of the Hatch House. The Modern House Trust has  
20 been a great partner. They've restored the house, and  
21 they've even in the case here at Hatch House have gotten  
22 the original furnishings and furniture from the Hatch  
23 family. So that Modern House Trust partnership has been  
24 awesome.

1           Pictured on the right is Paul Weidlinger. For  
2           those of you who were on the field trip this morning,  
3           Weidlinger was born in Hungary, is a famous industrial  
4           designer designing bombproof shelters, and his summer  
5           house, which he designed himself, we visited this  
6           morning. Many of us visited this morning out in the  
7           woods on Higgins Pond. This is a pre-restoration  
8           picture of the Cape Cod Modern House Trust very  
9           recently. Within the last couple of years, it has  
10          restored this house and, as we saw today, has restored  
11          inside and outside of the house. The third property  
12          that the Modern House Trust manages for us is the  
13          Kugel/Gips House, a little bit of a Frank Lloyd Wright  
14          look to it. That's a look from the western side. And  
15          again, the Modern House Trust through our leasing  
16          program has restored the inside and the outside, has  
17          furnished it appropriately, and they offer scholar and  
18          residence programs during the summer, and they offer  
19          residencies through paying rent to the National Seashore  
20          to Kugel/Gips House.

21          Now, the other eight structures are in various  
22          stages of being used either for employee housing,  
23          they're sitting vacant, or other uses. So this is the  
24          Kuhn House in Wellfleet. This is one of our eleven that

1 is historic that is now sitting vacant. This is what  
2 the interior of the house looks like. We have tried to  
3 obtain funding to restore this house, but it sits  
4 vacant, and it's getting lots of water damage now. So  
5 this is one of our not so successful stories at least up  
6 to this point.

7 The Tisza House, also in Wellfleet just south of  
8 Newcomb Hollow, this is a house designed by Hammarstrom,  
9 and this is a house that we use for summer employee  
10 housing. The Sirna Studio, this is also south of  
11 Newcomb Hollow overlooking the ocean, a wonderful arched  
12 front to it. The Sirna Studio is in our short-term  
13 lease program where people can spend a week at a time at  
14 this property.

15 We also have the Deane House. This is in Eastham  
16 up on Tomahawk Trail overlooking Nauset Marsh. The  
17 Whitlock House, which is another one of our historic  
18 modern houses, this one is sitting vacant currently also  
19 in Eastham near Doane Rock. We have the Conover House.  
20 This is off of Ocean View Drive in Wellfleet. We use  
21 this as employee housing. The Kohlberg House, which is  
22 currently vacant but we've come to kind of a handshake  
23 agreement that this will be the fourth Modern -- Cape  
24 Cod Modern House Trust property. That will be we will

1       lease this property to the trust, and then we'll restore  
2       it. Again, this is a spectacular house overlooking the  
3       ocean.

4               MS. GREEN: Where is that?

5               MR. BURKE: It is south of Newcomb Hollow way in  
6       the woods. This is an A-frame structure that was used  
7       as a guest cottage for the Kohlbergs. That will also be  
8       part of I believe a future lease with the Cape Cod  
9       Modern House Trust.

10              And the Wilkinson House, this is just west of  
11       Newcomb Hollow, and this is used for summer employee  
12       housing for Seashore employees.

13              So just to sum it all up here, we were fortunate  
14       four years ago to obtain funding to do a large study of  
15       all potential modern houses both owned by the National  
16       Seashore and privately owned. So 160 modern houses were  
17       identified in the Truro/Wellfleet/Eastham area. There's  
18       only one in Provincetown, one of the Gropius-designed  
19       houses in Provincetown as well. Then we really honed in  
20       from 160 down to a smaller number of properties, and in  
21       the very end six houses have now been listed on the  
22       National Register and six have gotten nearly complete  
23       documentation.

24              So as the Park moves ahead with these houses, we're

1 leasing the top three that you see there. We've got  
2 employee housing, which is good for the houses. They  
3 don't sit vacant. They're being used by people. At  
4 least in the summer months, that's important. We have  
5 short-term rentals at the Sirna Studio, and we're really  
6 honing in on that Kohlberg House for a new Cape Cod  
7 Modern House Trust lease. That leaves us with the other  
8 two houses that we're strategizing now about in trying  
9 to save them because we don't want them to sit empty.

10 In closing, I find it very fitting that one of the  
11 earliest actions of the Cape Cod Advisory Commission was  
12 to solicit the opinion of modern architects on Cape Cod  
13 as to what the modern architects and other noted  
14 architects on Cape Cod thought of the issue of what our  
15 new administrative building should look like on Cape  
16 Cod, what should our visitor centers look like, what  
17 should the design of our bathhouses look like,  
18 interpretive shelters, and this was the response from  
19 kind of the father of Bauhaus. He responded by writing  
20 a letter to the Advisory Commission, and in it you can  
21 see what he said. And I think this set the tone that  
22 the Advisory Commission then relayed to the  
23 superintendent at the time, the first superintendent  
24 that the buildings at the National Seashore

1       administratively were built -- would be built. This was  
2       the thinking. Don't try to make them look like old Cape  
3       Cod style architect. In fact, we have -- our visitor  
4       center is a testament to the fact that we took a new  
5       direction in architecture and weren't slaves to the old  
6       style on Cape Cod.

7               That's it.

8               MR. DELANEY: Thank you.

9               (Applause.)

10              MR. PRICE: So out of the houses that are empty --  
11       so the Whitlock house is one that's near and dear to my  
12       heart. So that's actually where the Association for the  
13       Preservation of Cape Cod started, the Whitlocks.

14              MS. GREEN: The Whitlocks?

15              MR. PRICE: The Whitlocks, right.

16              MS. AVELLAR: In Provincetown.

17              MR. PRICE: And I was here when the last tenant or  
18       the last family member left. And remember, when the  
19       Park Service took these houses, the previous tenant  
20       often had a use and occupancy term, and the terms varied  
21       depending on what the negotiation was. So that  
22       structure came over to us, and we frankly had high hopes  
23       for it, meaning that it was going to be really a great  
24       place for us to use for Park housing. Our science

1       program was interested in it at the time. The problem  
2       with it is it's a big structure, and it looks like  
3       there's a lot of bedrooms, but there aren't. I think at  
4       the end of the day there's only like two bedrooms.  
5       There's a lot of open spaces that people used as  
6       bedrooms, which you can do if it's a family, but if  
7       you're now a government operation where you have to have  
8       a defined bedroom and all that sort of thing, it changes  
9       it. So we've been unsuccessful in bringing in a partner  
10      to try to figure out what that's about. And the Kuhn  
11      House, unfortunately the same thing. The Kuhn House  
12      structurally is in very, very bad shape.

13             Now, part of what we learned on the tour this  
14      morning is that some of these houses were basically  
15      built with a type of fiberboard. It's like a cardboard,  
16      and they weren't designed to be long-term or year-round  
17      residence. So that's part of why the deterioration came  
18      into play. I was mentioning when I lived in Chelmsford  
19      and had a house in 1959, basically the siding was  
20      cardboard and the bottom course would all, you know,  
21      eventually just -- like any cardboard when it gets wet,  
22      and I'd have to replace that every other year. So that  
23      was a building material that they used, but it certainly  
24      doesn't have longevity.

1           So in any case, I think it all came together. The  
2           Park Service initially was not on board that these  
3           should be national historic registered properties, and  
4           there was a strong movement that they should. Obviously  
5           it went through the entire process over the course of a  
6           number of years, and finally it was determined both by  
7           the state and the National -- Keeper of the National  
8           Register that they did warrant that status even though  
9           they didn't have the 50 years age, they didn't do this,  
10          they didn't do that. But it was a special collection,  
11          so now that's what we have.

12          So I thought it was great. Bill, thank you very  
13          much for that overview for this group.

14          And for those of you that went on the field trip,  
15          you actually got to see up close and personal. And the  
16          special treat was the current tenant for Peter's group  
17          actually was Weidlinger's son. He's actually there. I  
18          think he's from the West Coast, they said.

19          MS. GREEN: Yeah.

20          MR. PRICE: He's staying there, and he's writing a  
21          book and doing a movie about his father's life. So  
22          decided to stay there. He said he spent 14 summers  
23          there, so he's certainly very familiar with it. So all  
24          around it was pretty nice, a nice day.



1 MR. DELANEY: Good, thanks.

2 MR. PRICE: Any questions about the modern houses?

3 MR. DELANEY: Thank you for a very nice report.

4 That's good stuff.

5 Questions? Comments?

6 MS. AVELLAR: Just very briefly. I know the  
7 Gropius House in Provincetown obviously isn't in the  
8 Seashore, and it replaced a castle that had been on the  
9 hill overlooking the Provincetown Inn, and there's  
10 nothing Cape Cod about castles either. And when the  
11 Murchisons built the Gropius House, people were enraged.  
12 I mean, they were just enraged, but it replaced a  
13 castle.

14 MR. PRICE: Right.

15 MR. DELANEY: Good point.

16 Lilli?

17 MS. GREEN: In fact, the son is a filmmaker by  
18 profession, and he's creating a film and writing a book,  
19 as George said. He has a website. It's called *The*  
20 *Restless Hungarian*, so [therestlesshungarian.com](http://therestlesshungarian.com). And  
21 he's produced eight short films, and he said the one  
22 that depicts his father in this location is "through my  
23 father's eyes." So if anyone wants to follow up with  
24 that, it might be interesting.

1 MR. DELANEY: Good, thanks.

2 Continue on.

3 MR. PRICE: Okay, just quickly I'm just going to  
4 hit a couple of the highlights. It's moving on  
5 obviously and getting late.

6 SHOREBIRD MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT - UPDATE

7 MR. PRICE: But I just want to let you know that  
8 we're still working with the contractor on a shorebird  
9 management plan, and that will most likely come out  
10 either December or January.

11 SEASHORE PROJECTS

12 MR. PRICE: We're working on a number of projects.  
13 For those of you that have seen the Salt Pond Visitors  
14 Center recently, you'll notice all the benches are gone.  
15 We have a contractor in place. We're expecting a start  
16 work order very soon, and that entire area will be  
17 rehabilitated similar to the campground. A lot of trees  
18 will be taken out because we're putting in an ADA path.  
19 We're replacing all the benches with backs.

20 We're going to redo the shell, Rich, which is near  
21 and dear to your heart and really do a number of great  
22 things.

23 NATIONAL PARK SERVICE CENTENNIAL

24 MR. PRICE: I had prepared a PowerPoint just to

1 give you highlights about the Centennial. I'm actually  
2 not going to show that this meeting. I'll save that for  
3 the next meeting because for the sake of time because I  
4 do want you to see the slides. But in that are a couple  
5 of slides about a remarkable program that we had with  
6 the Cape Cod Symphony Orchestra, and it was 800 plus  
7 people on blankets and chairs and everything. Our  
8 landscaping people had razed the bottom of the trees so  
9 that you could have a line of sight, and it just was a  
10 magical time. And we'll share more about that at the  
11 next meeting, but we're looking forward to really  
12 exploring and developing that site as a programming area  
13 now that our crew has taken down a lot of foliage so  
14 that there's vista clearing. There was a nice breeze,  
15 so there wasn't a mosquito to be had even as it got  
16 darker.

17 NAUSET LIGHT BEACH UPDATE

18 MR. PRICE: We're continuing to work on the Nauset  
19 Light Beach project. That involves two phases. Number  
20 one, we anticipate a demo of the current facility this  
21 fall, although every time we turn around the price of  
22 the demo goes up. But we're very concerned that that  
23 will not last another winter.

24 We are also working with our Denver office, and we

1       have invited the Town of Eastham to join us through  
2       Sheila. The town manager's going to join us for a value  
3       analysis, which is going to review the -- what we can do  
4       for replacing the stairs. And we're actually  
5       considering other options. And there's a dip in the  
6       dunes, so we might seriously take a look at not  
7       replacing the stairs in the same location as we have  
8       forever and maybe taking a look at it a different route.  
9       So that meeting's coming up soon.

10       MR. NUENDEL: Just one quick question. Going back  
11       to the beach house, I'm still not understanding why we  
12       need to rebuild the one on the south side of the parking  
13       lot on the parking lot.

14       MR. PRICE: We're not even close to that.

15       MR. NUENDEL: Oh, there's no -- there's no --

16       MR. PRICE: Well, two things. We want to demo the  
17       current bathhouse. We're going to have to use portable  
18       facilities between now and when we get the money, which  
19       might be --

20       MS. TEVYAW: '19.

21       MR. PRICE: -- 2019.

22       MR. NUENDEL: Right.

23       MR. PRICE: And we'll have to decide what the size  
24       and see how the facility will look and where we put it,

1 but it will definitely have to deal with the contour of  
2 the geography and where we'll be able to put a septic  
3 system. So right now, yes. We've made public  
4 presentations. I've shown markers how it's going to be  
5 so close to Ocean View Drive.

6 Some of our projects like the amphitheater and the  
7 Centennial projects. We're working a lot on trail  
8 repair. We fixed up the Nauset Knoll. You may know one  
9 of our concessionaires is the Nauset Knoll Motel  
10 overlooking Nauset Beach in Orleans. We're working with  
11 them, continuing to work on the Penniman House with  
12 flashing. Once we can get the envelope tight, because  
13 it still leaks, then we can work on coming up with some  
14 interior pieces.

15 HIGHLANDS CENTER UPDATE

16 MR. PRICE: I sent you all an invitation, if you're  
17 interested tomorrow. We're having a presentation by our  
18 historic architects about the repairs to the Highland  
19 Light.

20 So the Highland Light has had some serious  
21 structural issues since it was moved, and our people  
22 have been taking a look at it and are coming up with a  
23 multiple-phased approach. We actually did one phase  
24 which allowed people to continue to go up it, but we

1       have a couple more phases. And one of the phases may  
2       involve being closed for an extended period of time  
3       while we're doing the work.

4               What I wanted to do was to make sure that people  
5       from the golf course, the Truro Historical Society -- I  
6       sent out an invitation to Rae Ann, who is a member of  
7       the board of selectmen, and certainly any of you all who  
8       are interested in that structure, at one o'clock  
9       tomorrow up at the Highland -- excuse me -- at the  
10      Highlands Center in the classroom. We'll be having a  
11      presentation.

12             At this point, Kathy, the repair dollar value is up  
13      to what?

14             MS. TEVYAW: The total is 1.5 million.

15             MR. PRICE: 1.5 million. So we're talking serious  
16      structural issues.

17             One of the projects that we're very excited about  
18      that we were able to get is investing in a new Park  
19      film. So Sue has been leading the charge on starting  
20      that initiative. We'll be meeting with the company that  
21      actually got the contract. It's called Northern Lights,  
22      if you're familiar with that. They've done a number of  
23      museum exhibits not only in this Northeast area but  
24      throughout the country.

1           We have received -- we're in the line for funding  
2           to totally replace the Penniman barn, and that's a 2017  
3           project.

4           MS. TEVYAW: Rehab.

5           MR. PRICE: A rehab.

6           We have a 2017 project for replacing the Province  
7           Lands Visitor Center exhibits, so that's something that  
8           we're really looking forward to. We're doing a rehab of  
9           the Three Sisters, which are the three lighthouses on  
10          Cable Road on the right that are in pretty sad shape.  
11          We'll be doing more about the modern houses,  
12          specifically a landscape study. We hope as early as  
13          next month beginning some of the demo of some of the  
14          buildings at the Highlands Center.

15          Lauren, how many structures do we think we have  
16          now?

17          MS. McKEAN: There will be eight.

18          MR. PRICE: Eight structures.

19          MS. McKEAN: Two barracks, one power plant, and  
20          five housing units.

21          MR. PRICE: And that's at 1.3 million, right?

22          MS. McKEAN: 2, 1.2 million.

23          MR. PRICE: \$1.2 million.

24          MS. AVELLAR: And they're just starting to get paid

1 now?

2 MR. PRICE: Yes.

3 MS. AVELLAR: Is there going to be parking there  
4 because going to Payomet is a real pain in the butt  
5 getting in and out of there. Someone's going to be  
6 replacing --

7 MR. PRICE: Right now we're taking down all these  
8 buildings for \$1.2 million, and that starts -- that  
9 starts in October.

10 MS. AVELLAR: Okay.

11 MR. PRICE: We also have some other pending  
12 projects. For those of you that are in the Eastham area  
13 familiar with the Red Maple Swamp Trail, I hear about  
14 that every meeting. We're beginning a pilot project  
15 with the Friends this fall, and basically we're going to  
16 do it again in phases. And we're beginning the first  
17 phase very quickly, and we hope to get funding to be  
18 able to undertake the Province Lands Visitor Center  
19 amphitheater.

20 One of the projects that I do want to mention that  
21 is pretty exciting, I was speaking with Peter at the  
22 modern house. He was talking to our science folks, to  
23 Nita and Mark Adams, about a collaborative program where  
24 he might actually get some people that would be tenants



1 in the modern houses to work in collaboration with the  
2 real-time science out there in developing collaboration.  
3 We'll have to see what comes out of that exercise. So  
4 we think that will be really very exciting.

5 HERRING RIVER WETLAND RESTORATION

6 MR. PRICE: As I said, I do want to pass on the  
7 other piece, but I did want to mention the Herring River  
8 wetlands restoration has had a couple of really great  
9 benchmarks. Specifically we completed the EIS now.  
10 We're waiting for the signature of the regional director  
11 for the record of decision. We also have the signature  
12 page in for the regional director to sign for the MOU-3,  
13 which is the formal relationship between the Seashore,  
14 Truro, and Wellfleet. So those are big benchmarks for  
15 sure.

16 So that's actually it for the Superintendent's  
17 Report. Do you have any questions?

18 MR. DELANEY: Questions on these topics or anything  
19 else? Lilli?

20 MS. GREEN: Thank you. The shorebird management  
21 plan.

22 MR. PRICE: Yes.

23 MS. GREEN: What is the status?

24 MR. PRICE: That won't be coming up until December/

1       January. Remember, we received a ton of -- like 2,000  
2       some comments. So we've been spending a lot of time  
3       both with our staff and with the vendor doing an  
4       analysis to see where they fall, how does that impact  
5       the preferred alternative, et cetera.

6               MS. BURGESS: Mr. Chairman?

7               MR. DELANEY: Maureen.

8               MS. BURGESS: But I understand you had better  
9       success with the plover fledging this year; is that  
10      correct?

11              MR. PRICE: Yes, as a matter of fact, we did.

12              Nita, do you have the stats off the top of your  
13      head?

14              MS. TALLENT: 124 chicks fledged.

15              MS. BURGESS: So what changed?

16              MS. TALLENT: We will be meeting over the next  
17      three weeks to discuss that. We're having an after  
18      action review, and we hope to be able to take a look at  
19      that.

20              MS. BURGESS: Less foxes?

21              MS. TALLENT: So much depends on the capacity of  
22      nature, so we'll figure out if it's predators. Lack  
23      of storms has been one of the topics that have come  
24      up, but it's really early to even be able to point at

1       why we have success of so many fledged chicks this  
2       year.

3               MS. BURGESS:   (Inaudible) compared to last year  
4       was --

5               MS. TALLENT:   Before I got here.

6               MR. PRICE:   Maureen, one other thing.   The lack of  
7       storms is not to be underestimated because typically  
8       we've lived through early spring storms, and then the  
9       overwashes of the nests that have already been laid by  
10      the birds get washed out and they start over again with  
11      the nests.   So this year I don't know that we had any  
12      overwashes.

13              MS. TALLENT:   And I'm not making light, but I am  
14      giving you great respect on this.   But as we come  
15      forward with more information, we'll find ways to share  
16      it.   It's just that having arrived in June I wasn't  
17      completely sure how the storm season fended, but that  
18      has come up as a topic, as a variable that would  
19      contribute to success.   And it has a cascade, the domino  
20      of less predators.

21              MS. BURGESS:   Good.

22              MR. DELANEY:   Okay, so if there are no more  
23      questions on the Superintendent's Report, I'd like to go  
24      to Old Business.

1                                    **OLD BUSINESS**

2                    MR. DELANEY: And under that, Mark, we haven't had  
3 an update on the *Live Lightly Campaign* for a while.

4                    MR. ROBINSON: I've just got a few slides.

5                    MR. DELANEY: I'm glad to see you're back in action  
6 after your battle with the tick.

7                    MR. ROBINSON: Yeah, I had a tick battle.

8                    MS. AVELLAR: Lyme disease?

9                    MS. LYONS: Did you have an infection?

10                   MR. ROBINSON: (Inaudible).

11                   MS. AVELLAR: Oh, wow.

12                   MS. LYONS: Wow.

13                   MR. ROBINSON: Yeah, it took a month to get sick  
14 and a month to get better. I'm all better now.

15                                    **LIVE LIGHTLY CAMPAIGN PROGRESS REPORT**

16                    MR. ROBINSON: So I wanted to just -- some of this  
17 seems like old news, but I was hoping to give it to you  
18 last meeting, and I wasn't here.

19                    This was our campaign working with the Seashore and  
20 the land trust to reach out to the 600 private  
21 landowners within the Park and encourage them to think  
22 about what they can do for conservation of open space on  
23 their own properties.

24                    So this has been going on now for several years,

1       and we've had previous projects completed, but these are  
2       the most recent ones that I wanted to mention. So this  
3       is old news at this point, but the Edgewood Farm was the  
4       old Corey, Davis, Young farm just south of Pamet River,  
5       and you can see it here over 100 years ago, a real Cape  
6       Cod farm. It was owned by the Meldahls for the last 50-  
7       60 years, and you see how it abuts the National Seashore  
8       on several sides. And just as it's important to protect  
9       land in the Park, it's also important to protect the  
10      periphery so that there's a nice buffer there of open  
11      space around the Park.

12             Here you can see that Lot 5 on the bottom is about  
13      11 acres bought by the town through the land bank bill  
14      in 2002. And then the Meldahls said, "Our mother's  
15      died. We need to sell. We'd like to sell it for  
16      conservation and arts appreciation and culture." So we  
17      put together this partnership with the Truro Center for  
18      the Arts at Castle Hill whereby they will buy the  
19      historic structures, use it as an arts campus, and then  
20      there were two subdivision lots on top of what's called  
21      Great Hill that looks out to Ballston Beach that the  
22      Truro Conservation Trust was able to buy. And that's  
23      the ridge running out to Great Hill, and that's the view  
24      from the top (indicates). And so there's a bench up

1       there that the family had put up years ago. It's still  
2       available for the public to wander up to. We're going  
3       to be creating a trail system that will lead you up  
4       there, some of which you can see the beach over the Head  
5       of Pamet in the distance there.

6               Just to show you how we rely on public-private  
7       partnerships, we involve the state grant to the local  
8       land trust. We had a bequest of money from David  
9       Kuechle, who was a longtime summer resident in Truro  
10      nearby. We were able to buy these four and a half  
11      acres, two building lots for \$536,000. And that  
12      actually is a bargain sale based on the fact of what  
13      Truro lot prices are nowadays for two building lots. So  
14      and the state tax credit, which is available to people  
15      who have sensitive land and they either sell it for less  
16      than it's worth or donate it. In this case it was  
17      \$73,000 for the Meldahls. It's a nice example of how  
18      conservation groups can work together with arts groups  
19      as well as the town in putting together these kind of  
20      properties.

21             Meanwhile in Eastham, as a direct result of getting  
22      our brochure, Aimee Eckman and Joanna Stevens wanted to  
23      participate and do what they could do. Well, what they  
24      could do was put two of their four acres under

1 conservation restriction. This is the historic Solomon  
2 Doane farmstead from 1750. That's the house on the left  
3 there. Beautiful birch tree in the front of that house.  
4 In fact, I think it's the best birch tree on the Cape.

5 And so this was the Eastham Conservation  
6 Foundation, which is the local land trust. Dr. Joanna  
7 Buffington is here today.

8 AUDIENCE MEMBER (DR. JOANNA BUFFINGTON): Hi.

9 MR. ROBINSON: She's on the board of directors of  
10 the ECF.

11 So we work collaboratively with them to put their  
12 woods under a conservation restriction. You'll see it's  
13 around the corner from the visitor center on historic  
14 Nauset Road.

15 And just nice woods that abuts, again, the Seashore  
16 on three sides, so a little more of a buffer through  
17 their voluntary cooperation in placing this conservation  
18 restriction on the woods. And so we thank them for  
19 living lightly on the land and participating in the  
20 program.

21 Finally, in Provincetown the -- what I like to call  
22 the rejuvenated Provincetown Conservation Trust with  
23 Celine Gandolfo back at the helm. We were able to  
24 purchase a one-and-a-half-acre maple swamp, a very

1 critical habitat there at the east end of Commercial  
2 Street. You can see the water tank, and you can see all  
3 the way from Barnstable Village on a clear day jutting  
4 up over (inaudible). And this property is also helping  
5 to preserve the buffer along the edge of the  
6 recreational path and the railroad bed. So that's the  
7 property up on the left there.

8 So anyway these are just examples both in and out  
9 of the Park where landowners and land trusts are working  
10 together to help support the mission of the Park.

11 Any questions?

12 MS. BURGESS: Yes, Mark?

13 MR. ROBINSON: Yes.

14 MS. BURGESS: So you mentioned in the Edgewood Farm  
15 a piece. Who actually puts in the trails when you say  
16 we?

17 MR. ROBINSON: Well, these lots in green here --  
18 there are existing trails now that the town working with  
19 the trust have cut on the 11 acres.

20 MS. BURGESS: Right.

21 MR. ROBINSON: You can see there are some old dirt  
22 roads that were pre-existing that we incorporated into  
23 the trail system, but the one to the Truro Conservation  
24 Trust there, the (inaudible) property, that would be



1           their volunteers.

2           MS. BURGESS:   Okay, thank you.

3           MR. DELANEY:   Is there a newly formed little  
4           parking spot --

5           MR. ROBINSON:   Yes, on town property.

6           MR. DELANEY:   That's so you can get to it?   The  
7           trail starts there?

8           MS. BURGESS:   Is that how you access it?

9           MR. ROBINSON:   Yes.

10          MS. BURGESS:   Because I was wondering that too.

11          MR. ROBINSON:   Thank you.

12          MR. DELANEY:   Okay, thanks, Mark.

13          Any volunteers to have Mark help you put a  
14          conservation restriction on your manors and estates?

15          MR. ROBINSON:   There are some great tax breaks that  
16          we can do.

17          MR. DELANEY:   Okay, so getting close to the end  
18          here.

19                                   **NEW BUSINESS**

20          MR. DELANEY:   New Business.   Anyone like to raise a  
21          brand-new issue or something we haven't tackled in our  
22          wide-ranging discussions already?

23                   (No response.)

24          MR. DELANEY:   I will use this opportunity to go

1 back and welcome Sheila belatedly. Thank you for making  
2 that extra effort to get back from Boston.

3 MS. LYONS: Sorry, I was -- yes, I was coming from  
4 Boston.

5 MR. DELANEY: But I did want to mention to you we  
6 had a long -- a good discussion based on Maureen's  
7 report on the current status of Pilgrim, and we as a  
8 group voted -- and I'm hoping you won't object -- to  
9 write yet another letter to the Governor and others  
10 reiterating our current past positions and articulating,  
11 in regarding this governor in particular if he hasn't  
12 heard it before, that there's an economic interest, a  
13 potential economic disaster as well as an environmental  
14 and health disaster. And we're going to have that  
15 letter circulated, and hopefully you'll have a chance to  
16 input into that.

17 MS. LYONS: I definitely can.

18 MR. DELANEY: It's going to be a good one. And the  
19 second action we decided to do was we would then use  
20 that letter to go back to our various boards of  
21 selectmen and see if we could encourage them to write  
22 similar or identical letters.

23 MS. LYONS: Right.

24 MR. DELANEY: And we also thought, number three,

1           that the commission might want to weigh in.

2           MS. LYONS: I will approach them. I'll bring that  
3           up tomorrow -- Wednesday, excuse me. But I will make  
4           note to do that because I wanted to bring it up as well  
5           because it is -- it is deteriorating rapidly before our  
6           eyes, and I mean, it's a real concern, I mean, in all  
7           fashion. So yes.

8           Am I interrupting what you -- did you finish?

9           MR. DELANEY: There's just a fourth thing just to  
10          get it on the table. Lilli is going to take the issue  
11          to the Assembly of Delegates and see if we can get them  
12          to...

13          MS. AVELLAR: (Inaudible).

14          MS. LYONS: Yes, yes.

15          MR. DELANEY: But did you want to --

16          MS. LYONS: No, I will definitely -- I have a real  
17          concern about -- I mean, it's a growing concern. It's  
18          nothing different, but it is just seemingly that it's  
19          ignored as far as really the danger of this. And the  
20          economic -- so when you talk about the economic fallout,  
21          you're talking about the economic fallout as far as cost  
22          or what it would cost people?

23          MR. DELANEY: Well, should there be --

24          MS. LYONS: A catastrophe.

1 MR. DELANEY: The report that we had commissioned  
2 here referencing that kind of economic --

3 MS. LYONS: Right, I mean, I think it's an impact  
4 to the entire state, and this is what they're not taking  
5 into consideration. And it really is a true devastation  
6 for the Cape because it just can't...

7 MR. NUENDEL: We just want to remind people of way  
8 back when, when this first came to light; the fact that  
9 if this peninsula gets totally contaminated from  
10 something up there, there goes the tourism.

11 MS. LYONS: There goes everything.

12 MR. NUENDEL: And then Charlie and his friends  
13 won't get the money.

14 MS. LYONS: Not only will they not get the money,  
15 but there will be -- the money to restore this is just  
16 -- they're not -- it can make you very angry because  
17 it's not like they didn't see this on the horizon  
18 coming, and they did nothing about it. So that's what  
19 is a very frustrating thing. But no, they don't want to  
20 -- you know, we can kick things down the road for a long  
21 time. We're good at that.

22 MR. DELANEY: Okay, thank you.

23 **DATE AND AGENDA FOR NEXT MEETING**

24 MR. DELANEY: So now we'll go to the public

1 comment. No, wait. What would be next? Agenda for the  
2 next meeting.

3 MR. PRICE: Selecting the date. Mr. Chair, at this  
4 point we have an option of either doing the end of  
5 November, beginning of December, which would give us  
6 time. So in looking at my personal calendar, I'm  
7 looking at, say, perhaps November 21, although that's  
8 the week of -- the beginning of Thanksgiving week. And  
9 then I would recommend maybe December 5th or the 12th.  
10 I suppose we can consider November 14 if the other ones  
11 don't work.

12 MR. DELANEY: Well, the 14th is out for me. That  
13 week I'll be out of the country. And the 21st does not  
14 work, or that's Thanksgiving week? That may present  
15 problems. I see at least one complication with Lilli.

16 The 28th is not good for your schedule?

17 MR. PRICE: Well, I don't see pulling this meeting  
18 off after a vacation week.

19 MR. DELANEY: Same thing that week. All right, so  
20 we're talking --

21 MS. GREEN: The 12th of December?

22 MR. DELANEY: December 5 or 12?

23 MR. CRAIG: Do we want to go that late based on our  
24 conversation earlier about the campgrounds?

1           MS. GREEN: Right. I think it's coming down to an  
2 extension. I think giving them that time might be of  
3 benefit because there would be more clarity from the  
4 town at that point.

5           MR. NUENDEL: It also gives them more time to get  
6 their ducks in order too.

7           MS. GREEN: I can either do the 14th of November or  
8 the 12th of December, so those are my two dates.

9           MR. PRICE: I think realistically the town's going  
10 to get into extensions on all kinds of things, so I'm  
11 not sure how much real good solid information we're  
12 going to have by December, frankly.

13          MS. AVELLAR: So December 12?

14          MR. DELANEY: So December 12, you're suggesting,  
15 George?

16          MR. PRICE: Well, either the 5th or the 12th are  
17 the two that --

18          MR. DELANEY: Does anyone have a conflict with  
19 either one of those? We can move it up.

20          MS. AVELLAR: I don't.

21          MS. LYONS: No.

22          MS. GREEN: In fact, the 12th is the only day that  
23 I can do.

24          MR. DELANEY: Oh, it's the only one you can do?

1 Oh, you have a conflict on the 5th. Okay, let's go with  
2 the 12th then.

3 MS. AVELLAR: Okay.

4 MR. DELANEY: Okay, Larry?

5 MR. PRICE: So, Mr. Chair, just so that you're  
6 aware, besides Attorney Nagle coming back, that will be  
7 also a day we'll have the follow-up presentation by the  
8 Army Corps of Engineers relative to their project of the  
9 third phase of the FUDS program here at former Camp  
10 Wellfleet. Remember they came in a while ago when they  
11 were initiating it? We tried to get them here for  
12 today's meeting, but they couldn't make it. So the next  
13 meeting they'll be here to follow up with us, so that's  
14 a heads-up. And then the long now awaited and  
15 extraordinary PowerPoint on the Centennial events we'll  
16 have to put on that schedule.

17 MR. DELANEY: So we have a pretty good agenda  
18 already.

19 MS. GREEN: Just for clarity, George, can I just  
20 ask, they're not going to do any work before they come  
21 to us; is that correct?

22 MR. DELANEY: What are you referencing?

23 MS. GREEN: I mean, my concern and concern for my  
24 town is that if the landing strip, which is Wellfleet's

1 property, within this site is used or is being impacted  
2 and it cannot be used for emergencies, then someplace  
3 else would be --

4 MR. PRICE: Okay, first of all -- so just to  
5 clarify, the so-called landing strip is never used for  
6 emergencies.

7 MS. GREEN: For helicopter emergencies?

8 MR. PRICE: No. We have a helicopter pad out the  
9 back here.

10 MS. GREEN: Okay.

11 MR. PRICE: That's got a macadam on it, and that's  
12 the -- the so-called landing strip is called that  
13 because of its rectangular nature, but it's totally  
14 wooded.

15 MS. GREEN: Oh, I didn't realize that.

16 MS. AVELLAR: (Inaudible)?

17 MR. PRICE: (Inaudible). This was the military  
18 artillery officers.

19 MS. AVELLAR: Oh, I remember what it was. I just  
20 never knew what it was.

21 MR. DELANEY: Larry?

22 MR. SPAULDING: Would it be helpful to -- I'll  
23 mention Lauren's name, but she's not listening.

24 MS. GREEN: Lauren?



1           MR. SPAULDING: It would be helpful if maybe Lauren  
2           thought it was appropriate to write Attorney Nagle and  
3           he could give us kind of a summary of what's happening  
4           and we could get it before that meeting so we don't all  
5           of a sudden show up. You know, if he could get it to us  
6           a week or week and a half in advance just on the  
7           progress and what they're doing --

8           MS. McKEAN: Yes.

9           MR. SPAULDING: -- I think that would be helpful.

10          MS. McKEAN: Yes, so that's why they put this  
11          package for us. It wasn't the package we expected when  
12          we got it last week, but we do do that and we will do  
13          that again.

14          MR. SPAULDING: Great.

15          MR. PRICE: Lauren had contacted them anticipating  
16          that they were going to give us material about the  
17          progress with the town. So to get this restoration  
18          plan, as you saw in my note to him, I was very confused  
19          because that's like the 15th thing down the road, and  
20          we're anticipating (inaudible). So it's an interesting  
21          process. This outfit, I think -- that's it.

22          MR. DELANEY: Thank you. I think that was a really  
23          good, powerful discussion we had on that topic, so  
24          everyone -- I think there were a lot of very good,

1 honest, very strong statements. That's our role. That  
2 was great. I appreciate that.

3 MS. BURGESS: Too bad it wasn't televised.

4 MR. DELANEY: The press wasn't here.

5 MR. ROBINSON: Too bad it's only the lawyer that  
6 hears it.

7 MS. McKEAN: No, we got one here.

8 MR. PRICE: Pardon?

9 MR. DELANEY: Oh, good.

10 MS. McKEAN: We've got one here.

11 MR. DELANEY: Oh, good. Oh, good. Good, all  
12 right.

13 **PUBLIC COMMENT**

14 MR. DELANEY: Let me then turn to public comment  
15 period and call on the public and to take comments.  
16 Just all you need is your name and address.

17 AUDIENCE MEMBER (DR. JOANNA BUFFINGTON): Joanna  
18 Buffington. I'm the trustee of the Eastham Conservation  
19 Foundation.

20 But hearing about the campground thing, I was very  
21 -- yeah, that's shocking, but it sort of reminded me of  
22 the condition of our trees with the drought, the gall  
23 wasps, the gypsy moths this year. I'm riding back on  
24 the bike path from Coast Guard Beach out through there,

1       and I'm wondering why I can see everything. And the  
2       leaves are -- there's no leaves. So the health of our  
3       trees is -- I mean, that's not a good thing to add to  
4       it, but can you just make a comment about what -- get  
5       rid of droughts, get rid of moths. But is there  
6       anything addressing the general tree health in the  
7       Seashore or just fingers crossed?

8               MR. PRICE: Well, if I could from my perspective,  
9       typically the Park Service is not involved with the mass  
10      treatment for sure, and it's my understanding that the  
11      treatment of gypsy moths is often a very frustrating and  
12      negative activity because, as I understand it as I've  
13      heard, is that they go through a cycle, and when you  
14      really start spraying, you actually truncate the cycle  
15      and their lifespan continues longer season after season  
16      after season.

17             AUDIENCE MEMBER (DR. BUFFINGTON): Right.

18             MR. PRICE: So ever since they've been added to our  
19      environment as an exotic, it's something that we seem to  
20      just have to live with just is the process.

21             MS. LYONS: Isn't there another beetle or something  
22      that --

23             AUDIENCE MEMBER (DR. BUFFINGTON): The pine bark  
24      beetle?

1 MS. LYONS: Yes, but it needs moisture to live in,  
2 and it didn't flourish this drought.

3 AUDIENCE MEMBER (DR. BUFFINGTON): It's good for  
4 ticks too.

5 MS. LYONS: Which is one of the reasons why the  
6 gypsy moth took hold because the other species that is  
7 their predator wasn't able to flourish.

8 AUDIENCE MEMBER (DR. BUFFINGTON): Well, I think  
9 especially important with any I'll call it restoration,  
10 because that's what we did of this property in Truro,  
11 would be -- well, again, I don't know what the best  
12 solution is -- for planting things that, you know, will  
13 thrive in our changing climate.

14 MS. BURGESS: Maybe we should do palm trees.

15 MS. LYONS: They might take. That's the problem  
16 the rate we're going.

17 MR. PRICE: Thank you.

18 Anyone else from the public? Yes, please?

19 MS. BACON: I actually have three comments to make,  
20 about three minutes.

21 MR. DELANEY: Just your name for the record.

22 MS. BACON: Kathleen Bacon from Wellfleet. I'm the  
23 alternate.

24 First, I thought the discussion about Pilgrim was

1       -- I'm shocked that there's not more anger and outrage.  
2       It's blatant that all our pleas to either Charlie Baker,  
3       the governor of our state, our senators, and Entergy are  
4       being ignored. It would appear to me that while it's  
5       admirable that you want to send a letter, that that will  
6       also probably be ignored. I see the only change  
7       happening there is not how it's going to affect our  
8       economy but how we can bankrupt Entergy to go out of  
9       business. You know, that's -- something has to hit them  
10      in their pocket so that it's not profitable to operate  
11      here. That's the only way I see this closing down. The  
12      other thing I see happening is a massive, massive  
13      organized show of civil disobedience against this power  
14      plant. Whether it's a human chain from here to  
15      Providence to Plymouth, something has got to get their  
16      attention because all our pleas are going unanswered.

17             The next comment I want to make is about Horton's.  
18      The company that went in there -- the contractor that  
19      went in there I would be pretty sure sold all the  
20      material --

21             MS. BURGESS: Absolutely.

22             MS. BACON: -- that was taken from that property.  
23      That needs to be addressed somehow and reimbursed.

24             MS. BURGESS: Where did it go? That's my question.

1 MS. BACON: All that material was viable topsoil.  
2 The wood was sold. All -- chips, all of it was sold. I  
3 haven't heard anything about the restitution for that.

4 But also in that conversation about Horton's, there  
5 does seem to be up here it's moving in a different  
6 direction than what it was, and that's something that is  
7 going to be kind of ambiguous because all of Cape Cod,  
8 whether you're in the Park or not, is moving towards the  
9 future in a way that is going to be very hard to  
10 encapsulate that Cape Cod character. There's just --  
11 it's just the nature of things.

12 And if you'll indulge me just one more thing.

13 MR. DELANEY: Go ahead.

14 MS. BACON: Going back to the Modern House Trust,  
15 I've been the property manager next door to the  
16 Weidlinger House for almost 25 years in Wellfleet. So  
17 I'm familiar with the Weidlinger House when it was owned  
18 by the family, when it fell into disrepair, and when --  
19 now that it's been restored. And Wellfleet residents  
20 are thrilled about these houses being restored, but the  
21 past two town meetings, we've designated CPA funds for  
22 these houses, for the modern houses.

23 They're a cultural icon in Wellfleet. I knew Jack  
24 Phillips personally, as did many of us who went to the

1 galleries back in the day, but for Wellfleet residents,  
2 these houses are unelitist. You know, they're not open  
3 to us. I would like to see the Modern House Trust  
4 offer, you know, a one-week stay to a resident as a --  
5 just that it would be open for other individuals, not  
6 just scholars or if the Modern House Trust would have an  
7 open house open to the community. The point I'm trying  
8 to make is, while we're all thrilled to see the houses  
9 restored, they're really not integrated into the rest of  
10 the community, Wellfleet per se.

11 So thank you for listening.

12 MR. DELANEY: Those were all helpful comments. I  
13 just would react to the last one. I think you made me  
14 think of our --

15 MS. BACON: Peaked Hill Trust.

16 MR. DELANEY: -- well thought out plan --  
17 management plan for the dune shacks --

18 MS. LYONS: Dune shacks, right.

19 MR. DELANEY: -- that do require certain weeks  
20 sometimes to be available for the general public. So we  
21 have a model to maybe deal with it like that. That's  
22 something we could maybe actually do.

23 MS. LYONS: It might be something for them to  
24 address before it does -- that sentiment catches because

1       it has been expressed. Kathy's right. At town meeting  
2       like, you know, "This is all great. Why are we putting  
3       this money into something that nobody can use? That we  
4       can't use?"

5               MS. BACON: We can't use.

6               MS. LYONS: And if that starts, that there's a few  
7       voices stating that, that will catch on in town meeting  
8       after town meeting. It might be better for them to hold  
9       that growing sentiment before it becomes an ugly -- an  
10      ugly situation. So it's not a bad suggestion.

11              MR. DELANEY: Yeah, it's a good suggestion.

12              George?

13              MR. PRICE: Well, Kathleen, just as a -- we have  
14      had conversations with Peter not about the elitist piece  
15      but about the responsibility for more public access, and  
16      there are a number of things that he does do now for  
17      more public access that I just don't think is very well  
18      publicized. So open houses and things are part of that.  
19      That's number one. Number two then, part of the  
20      challenge that they have as an organization for the  
21      upkeep, don't forget, is also a revenue stream. So  
22      that's part of their balance.

23              With the dune shacks, out of the 18 dune shacks,  
24      remember there was very limited public access that's



1 managed through nonprofits that actually have a revenue  
2 stream. So it isn't the Park Service getting involved  
3 in that. And we have public programming that we do  
4 whether it's guided tours to some of the shacks and then  
5 the art organizations. Not the private individuals, but  
6 the art organizations then present either at (inaudible)  
7 or the fine arts workshop or even public programs at the  
8 Visitors Center. So I didn't want everybody to think  
9 that there is a lot of almost, you know, free or low  
10 (inaudible) can't stay at the dune shacks, which should  
11 be the model here.

12 MS. BACON: No, I know that.

13 MR. PRICE: And I just want you to know that. So  
14 Peter and I have engaged on that, especially as we have  
15 a look at the next couple of ones that he might  
16 undertake.

17 MR. DELANEY: Lilli?

18 MS. GREEN: And perhaps maybe the (inaudible) is  
19 the key piece.

20 MR. PRICE: Yes, right, right.

21 MR. DELANEY: Okay, one last thing. We're getting  
22 on our last legs. Maureen, one more.

23 MS. BURGESS: Just to follow up on Kathleen's  
24 points about Pilgrim, I would like to give you Charlie

1 Baker's office number so as individuals if you'd like to  
2 write this down.

3 MR. PRICE: Is this his cell phone?

4 MS. LYONS: We only want his cell phone.

5 MS. BURGESS: Oh, I don't know his cell phone.  
6 This is his office, 617-725-4005.

7 MR. DELANEY: Okay.

8 MR. NUENDEL: This is officially Charlie?

9 MS. BURGESS: The information I have from  
10 Downwinders is that that's his office number.

11 MS. LYONS: They must have picked that up when they  
12 were in there, right?

13 (Laughter.)

14 MS. BURGESS: Tied up on the floor.

15 MR. DELANEY: As I call for -- yes?

16 AUDIENCE MEMBER (ED MILLER): I don't want to keep  
17 you longer than you --

18 MR. DELANEY: Well, it's public comment. Go ahead.

19 AUDIENCE MEMBER (MR. MILLER): I do have a  
20 question. I'm Ed Miller, associate editor of the  
21 *Provincetown Banner*. I haven't been to many of these  
22 meetings, so it may be that my question has been  
23 answered, but please indulge me for a moment.

24 I assume you know that there is legislation that

1       has been introduced in the United States Congress by  
2       Representative Keating and Senator Markey that involves  
3       a swap of a 1.09-acre lot in Wellfleet on Long Pond with  
4       a house and a private beach for another property in  
5       Wellfleet that's slightly more than one acre. And the  
6       bills are in committee and as far as I know have not  
7       been approved, but in a conversation with Mr. Burke, the  
8       Park historian, he said that as far as he knew there was  
9       no precedent for a house of this kind being transferred  
10      from National Park Service ownership into private  
11      ownership ever before. And in addition, the legislation  
12      includes a change in the definition of improved property  
13      in the enabling legislation for the Cape Cod National  
14      Seashore. So my question is, has this commission  
15      reviewed this legislation and looked at it and expressed  
16      an opinion on whether it is a good idea or not?

17           MR. DELANEY: We have not been -- we have not  
18      presented that issue, and I don't think anyone's aware  
19      of it.

20           AUDIENCE MEMBER (MR. MILLER): I will add that a  
21      reporter at the *Banner* who has been working on this  
22      called up Superintendent Price to ask him about it, and  
23      he said that he preferred not to comment because it was  
24      a private matter.

1 MR. DELANEY: Okay.

2 MS. GREEN: That's the Rosenberg property.

3 MR. PRICE: Actually, what I said was I don't  
4 discuss conversations with private property owners. And  
5 this particular legislation would be an allowance and  
6 that we wouldn't be making things public until it was  
7 actually the potential of a deal. And the issue is  
8 relating to the Herring River restoration property, and  
9 specifically the current property that the Rosenbergs  
10 own, they have a CSC. They have a certificate of  
11 suspension of condemnation. And if we were to do a land  
12 swap, then they would need the same protection. And as  
13 far as swapping properties and -- we have a broad  
14 authority when it comes to administrative activity with  
15 the federal land if it's in the benefit of the  
16 government. And I'm not sure that we haven't done  
17 private properties.

18 MS. McKEAN: I am not sure either.

19 MR. PRICE: But I know that we have done numerous  
20 -- we've done numerous property exchanges with the towns  
21 and municipalities. There's been regular activity with  
22 the towns in the Seashore boundary at the time.

23 MS. McKEAN: Yes, we have done private land  
24 exchanges with private landowners. I don't know about

1       whether there were structures on those lands that were  
2       transferred to them or not.

3               MR. PRICE:   So we have done private land exchanges.

4               MR. DELANEY:   Larry?

5               MR. SPAULDING:   It's getting late.   Why don't we  
6       just put that on the next agenda.   Maybe Lauren can get  
7       a copy of the legislation or the report and send it to  
8       us because most of us don't know anything about it.

9               MR. DELANEY:   This would be just -- okay, this  
10       should be on the agenda next, maybe as a generic issue  
11       too about how land swaps happen or not happen, but just  
12       to modify my initial reaction, my answer to your  
13       question, this issue has been in front of us before.   We  
14       have been briefed by the superintendent about the  
15       Herring River project.   We've all known that there were  
16       a couple of key -- two, three, a handful of key private  
17       properties that historically have been stumbling blocks  
18       slowing this process down and that the Park Service has  
19       made numerous attempts to find ways to solve that  
20       ownership to facilitate the Herring River project going  
21       forward.   And now I understand in that context this is  
22       another -- maybe a last-ditch attempt to make that  
23       happen because this is, I think we all have heard, one  
24       of the -- one of the two absolute key pieces.   If this

1 can't be solved, then there's a big limitation to what  
2 can be achieved in the Herring Cove restoration project,  
3 which this committee endorses 100 percent and  
4 enthusiastic.

5 So my answer is we have -- I didn't connect  
6 immediately the way you framed the question, but we are  
7 aware. So it's taking a little different route, but I  
8 trust the superintendent has explained it had to be a  
9 little bit confidential for the time being.

10 AUDIENCE MEMBER (MR. MILLER): Thank you.

11 MR. DELANEY: So I am going to -- just at the end  
12 I'm just going to say that -- before I call for a motion  
13 for adjournment, that earlier Don said we have a big  
14 agenda, and we just proved it again today. I want to  
15 make sure the record shows the Park has the real -- this  
16 agenda day to day. Superintendent Price, Kathy, Lauren,  
17 and Nita about to get involved full force, and all the  
18 rest of the Park Service, these are the guys that do  
19 this day in and day out with a huge agenda. We just  
20 come in and get the cream of the crop and the tip of the  
21 iceberg, but hats off to a tremendous team that does  
22 this day in and day out.

23 MS. LYONS: And can I just add to that? I  
24 apologize for being late, but I did see that you must

1 have discussed the Centennial celebration.

2 MR. PRICE: Actually, that got bumped.

3 MS. LYONS: Oh, well, it really was an amazing  
4 feat, and I congratulate not just George but the entire  
5 staff. That was a real effort on everybody's part. I  
6 mean, that was heavy lifting, and it was done  
7 seamlessly. And it was a beautiful program, and it was  
8 just great.

9 **ADJOURNMENT**

10 MR. DELANEY: Okay, motion to adjourn?

11 MS. GREEN: So moved.

12 MS. LYONS: Second.

13 MR. DELANEY: All those in favor, signify by saying  
14 aye.

15 BOARD MEMBERS: Aye.

16 (Whereupon, at 3:39 p.m. the proceedings were  
17 adjourned.)

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**REPORTER'S CERTIFICATE**

PLYMOUTH, SS

I, Linda M. Corcoran, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 119 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, September 19, 2016, commencing at 1:05 p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 3rd day of November, 2016.

\_\_\_\_\_  
Linda M. Corcoran - Court Reporter  
My commission expires:  
August 28, 2020